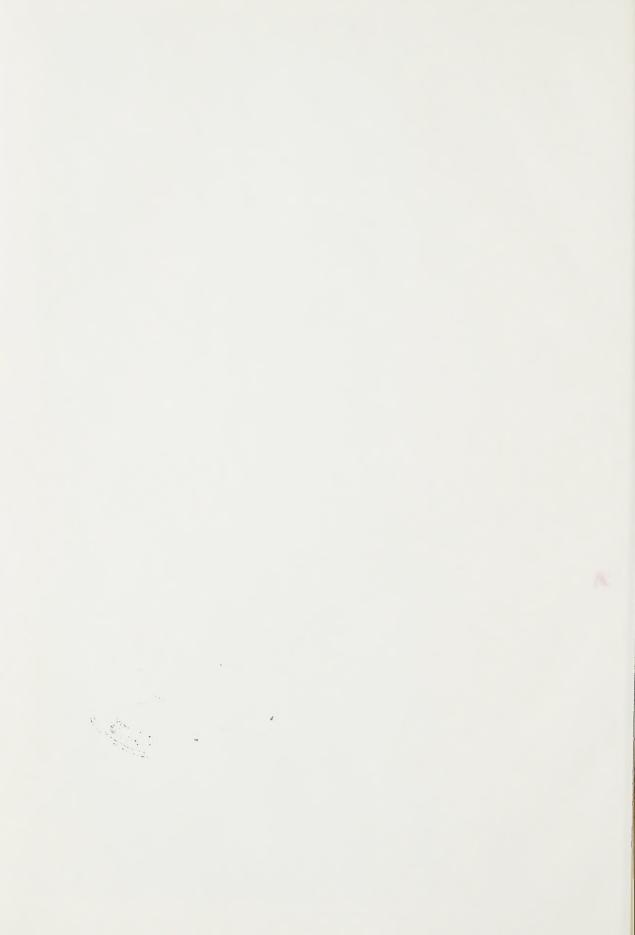


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James' Bay, October 10th, 1860, Watercolour by Lady Sarah Crease. Paintings, Drawings and Prints Division, PABC (pdp2897).



Journals of the Colonial Legislatures of Vancouver Island and British Columbia, 1851-1871





# Journals of the Colonial Legislatures of the Colonies of Vancouver Island and British Columbia 1851-1871

Edited by James E. Hendrickson

### VOLUME I

JOURNALS OF THE COUNCIL, EXECUTIVE COUNCIL, AND LEGISLATIVE COUNCIL OF VANCOUVER ISLAND, 1851–1866

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Proclamation by Richard Blanshard dated 13 May 1850 regulating the importation and sale of spirituous liquors, presumably the first legislation enacted in the colony of Vancouver Island. GR 771, PABC. Victoria. by the braces of look of the United Kingdom of bywat Britain, and Ireland Ducen, defender of the faith, to clames. Douglas baguines, Senson Members.

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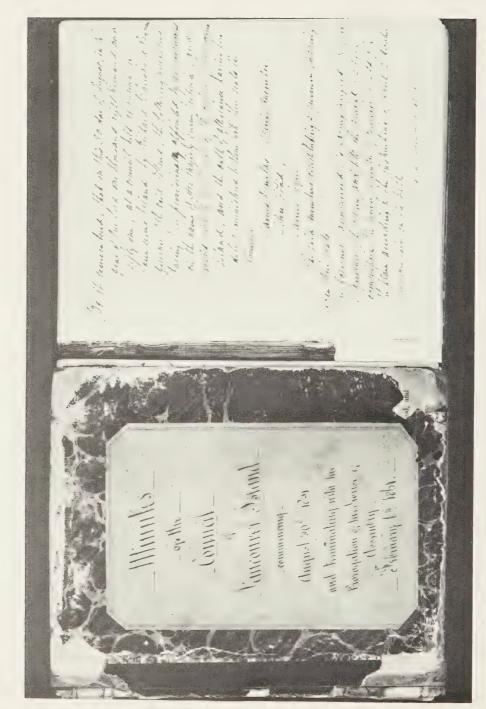
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First page of Her Majesty's commission, dated 16 May 1851, appointing James Douglas governor of Vancouver Island. GR 821, PABC.



Cover and first page of original minute book of the Council of Vancouver Island. The handwriting is that of James Douglas. GR 819, PABC.



A view of James Bay and the new government buildings, the "Birdcages." Detail of an ink sketch of Victoria by H. O. Tiedemann, ca. 1859. Pdp 277, PABC.

Victorial by the Grace of God of the United
Kingdom of Great Britain and Tridand Queen
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Ulfred John Kangley

Greeting

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Mnow that we have assigned you a Member of our Council of Government in our Hand of Vancouver and its dependencies with the full power and authority thereto appertaining quiding yourself by such rules and regulations as shall be given and prescribed in and by such and Instructions as Me with the advice of our Trivy founcil

shall from time to time make for your guidance Provided neverthe less that this appointment be considered as provisional only and subject to our confirmation or disallowance

Given at Victoria Vancouvers Island, under the Tublic Seal of the Colony this fifth day of Jebruary in the year of Our Lord, one Thousand eight hundred and risky one and the twenty fourth of Our Reign

Witnefs.

My Cannand Williams A.S. Juny

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Instrument signed by James Douglas appointing Alfred J. Langley to the Council of Vancouver Island, 5 February 1861. Add. MSS. 180, PABC.

Vancouver Island Executive Journel I volumely and vincerely promise and vowcar that as a humber of the Executive formul of the Colony of Fancouver I hand and its Dependencies, willadies and addist this Excellency the Governor to the best of my cunning and discretion, and without partiality through affection, love, used, doubt, or dread, that I will keep send the deliberations of the Council, that I will avoid corruption, that I will help and strongthan what I hall be there resolved, that I will with stand all persons who would attempt the contrary and that I will observe heep and do all that a good and town Councillor ought to do. So help me God-MonyWakeford Acting folomal Secretary Girl Amile Cary Mefletter ? Vurveyor General Swon before me at the Exacutive Council Chambar the 27th day of June 1064

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Oath sworn by members of the Executive Council of Vancouver Island, 27 June 1864. Vancouver Island, Executive Council, PABC.

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Page of the original minute book of the Executive Council of Vancouver Island. Vancouver Island, Executive Council, PABC.

### **FOREWORD**

The Journals of the Colonial Legislatures of the Colonies of Vancouver Island and British Columbia, now printed in five volumes, are a timely successor and supplement to Memoirs Nos. II, III and IV, all published by the Provincial Archives in 1918 and long out of print. When submitting the first of the series, Memoir No. II, to the Attorney General, the then Provincial Librarian and Archivist, E. O. S. Scholefield, wrote that it ". . . will give an idea of the value of the Provincial legislative records from an historical point of view. It will also serve a more practical purpose in indicating the source of many laws and policies, not a few of which have survived in one form or another to this day." Those words remain as valid today as when they were written sixty-two years ago. If anything these records and documents of British Columbia's colonial beginnings are of much more obvious relevance to the contemporary scene than they were at the conclusion of World War I. For as they appear or reappear in print, Canada is in the midst of a national debate on the constitution, and they comprise the foundation stones of any examination of the constitutional history of British Columbia, as well as the colonial era of the province's history. Of especial interest should be the full verbatim text of the Debate on the Subject of Confederation with Canada, to be found as Appendix A in Volume V. In that Debate can be found the reasons why the colony of British Columbia decided to become a province of the Dominion of Canada in 1871.

All the records and documents published in Memoirs II, III and IV, as well as much additional material, has been painstakingly edited, or re-edited, by Dr. James E. Hendrickson, of the Department of History, University of Victoria. Credit for realizing the need for this work and for persuading the then Provincial Librarian and Archivist, the late Dr. Willard E. Ireland, that it should proceed to publication and then labouring long and exhaustively to bring it to a successful conclusion, belongs entirely to him. Dr. Hendrickson's own Introduction describes many of the editorial problems he encountered; why some documents were or were not included in the three Memoirs; where other records could or could not be located; how they were created and how they were subsequently kept—and requires no advance commentary. He deserves the gratitude of everyone seriously interested in the history of British Columbia.

Tribute should be paid to the staff of the Government Printing Bureau who have persevered with what may be one of the most lengthy, and certainly not least complicated, printing assignments in its own long history. Everyone who has been involved in the project since its commencement, including three provincial archivists, trusts that it may prove to be a useful and enlightening contribution to the historiography of British Columbia.

JOHN A. BOVEY
Provincial Archivist



### **ACKNOWLEDGMENTS**

The publication of these journals would not likely have occurred, at least at this time, without the support and encouragement of the former provincial librarian and archivist, the late Willard E. Ireland. He not only supported the idea of publication, thus completing a task the Provincial Archives of British Columbia had first begun in 1918, but he participated in the early editorial decisions regarding both matters of style and format, and his intimate knowledge of the journals and the conditions under which they were produced proved invaluable on many occasions. Under his direction, the Archives also provided convenient and agreeable accommodation for the project, myself, and my assistants at a time when the facility was already becoming heavily taxed for space.

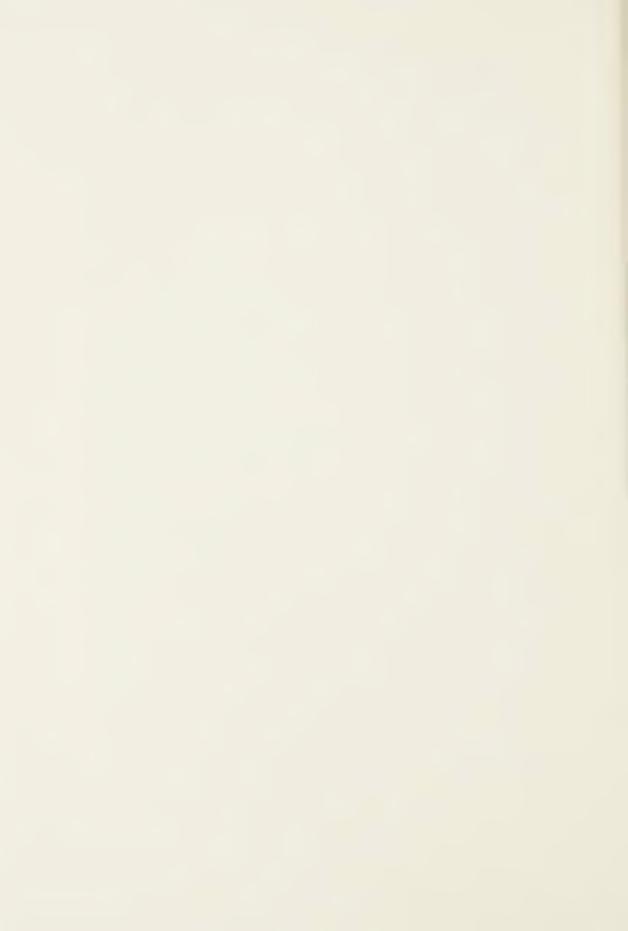
Several other members of the Archives' staff also contributed with good grace to what, to some of them, became simply "the project." Allan Turner, who succeeded Willard Ireland as provincial archivist in 1974, continued undiminished the support of his predecessor, as did John A. Bovey, who succeeded Allan Turner in 1979. Kent Haworth provided archival services and the essential liaison between the Archives and the Queen's Printer, and much more. David Mason offered advice and drew upon his own encyclopedic knowledge on several occasions. Former Archives' staff member, Dorothy Blakey Smith, read some of the early copy and made suggestions. Still others assisted in lesser ways, all of which contributed toward making the time spent in the Archives such a pleasant and rewarding experience.

Permission from the Keeper of Public Records, London, to publish part of the minutes of the Council of Vancouver Island as well as the minutes of the Executive Council of British Columbia is gratefully acknowledged. A major grant from the Canada Council, augmented by lesser grants from the University of Victoria and student summer employment grants from the provincial Ministry of Labour, contributed substantially to the preparation of the manuscript. Robert L. Smith spent many months preparing copy, checking proofs, and undertaking a variety of related research assignments. His work was continued by Michelle Petter, who was largely responsible for preparing the indexes of the first four volumes. Jill Swannell completed this task and indexed Volume V. Among other duties, Alison Duke performed typing services, and Barbara Jull and Gladys MacPherson compiled the schedules of Bills in Progress for Vancouver Island and checked those for British Columbia.

To the staff of the Queen's Printer, this project represented a marked departure from their accustomed style, to which they responded with professional patience and unfailing good humour. Gordon Langley gave lessons in the art of copyediting, and along with Alex. Murray shepherded the manuscript through this critical stage of production. Robert Curtis and William Prior were responsible for other technical aspects of production, paper quality, and binding and offered much helpful advice.

To all of the above, I express my sincere thanks. For the errors that remain, I alone am responsible.

JAMES E. HENDRICKSON



### INTRODUCTION

The original minute books of the legislatures of Vancouver Island and British Columbia are among the most prized possessions of the Provincial Archives of British Columbia. Entered in longhand in leather-bound volumes, by a variety of hands over a span of twenty-one years, these journals represent the most tangible documentary evidence of the initiation and evolution of parliamentary institutions and practice in the colonies that comprised the territory that is now the province of British Columbia. With the exception of perhaps twenty pages, the originals of which have apparently not survived, these volumes constitute the entire record of the official proceedings of the Council, Executive Council, Legislative Council, and General Assembly of the colony of Vancouver Island, and the Executive Council and Legislative Council of the colony of British Columbia.

The need for such a publication has long been noted. Although the journals of the Legislative Council of British Columbia were published annually at the time on a press brought to New Westminster by the Royal Engineers, the legislature of Vancouver Island predated the arrival of the first printing press in 1858. Thereafter, newspapers carried fairly complete reports of the deliberations of the Assembly, but meetings of the Legislative Council were closed to reporters until 1864 in Vancouver Island and 1865 in British Columbia. Meetings of the Executive Council in both colonies were officially secret.

In 1918 the Provincial Archives commenced the publication of the records of Vancouver Island with the publication of Memoir No. II, Minutes of the Council of Vancouver Island: Commencing August 30th, 1851, and Terminating with the Prorogation of the House of Assembly, February 6th, 1861, edited by E. O. S. Scholefield. This was followed closely by Memoir No. III, Minutes of the House of Assembly of Vancouver Island, August 12th to September 25th [27th], 1858 (1918), and Memoir No. IV, House of Assembly Correspondence Book, August 12th, 1856, to July 6th, 1859 (1918). The curious time frame covered by each volume is explained by the fact that each consists of the initial original minute or correspondence book, without regard to the lifespan or session of the originating institution. For reasons now lost in obscurity, the publication of these records was never resumed, although a body of typescripts still preserved in the Archives bears mute testimony to the fact that further publication was clearly intended. A part of the explanation may be that the subsequent minutes of the Council could not be then located. Nor have they been found to this day. It is not known if the minutes existed in Scholefield's time, but they were almost certainly not in the Archives in the 1930's when W. Kaye Lamb drew up the manuscript classification system for the Archives because he did not assign a number to the missing minute book. Lamb obviously was unaware of the hiatus for in at least two separate articles he stated categorically that the minutes of all the colonial legislatures had been preserved in their entirety.1

The case of the missing minutes assumed added interest when the writer sought to obtain copies of them from the Public Record Office in London, which the governor was required to file every six months with the Colonial Office. These

<sup>&</sup>lt;sup>1</sup> "British Columbia Official Records: the Crown Colony Period," *Pacific Northwest Quarterly*, XXIX (January 1938), 17–25; "Records of the Early Proceedings of the Legislature in British Columbia," *Canadian Historical Review*, XXI (December 1940), 394–400.

were readily obtained, except for the period from 26 June 1861 to 3 February 1862, which coincides with the Second Session of the Second House of Assembly. Further investigation revealed that Governor James Douglas forwarded the minutes in question to London on 20 March 1862,2 but the Public Record Office could find no evidence that they had ever reached London. Additional evidence indicated that in 1861 Douglas had been forced to use oversize stationery from an American supplier when a shipment of regulation stationery from Her Majesty's Stationery Office had been lost at sea.3 Could these minutes by chance have been filed on the larger stationery and therefore filed irregularly? Yet another exhaustive search of the Public Record Office produced no further clues to the fate of the errant minutes. Meanwhile, archivists in the Provincial Archives sifted through a backlog of uncatalogued materials in storage without success. Among new acquisitions from a Victoria warehouse was some material from the colonial era, including the instrument Douglas issued to appoint Richard Clement Moody to the "Council" of British Columbia (reprinted among the illustrations in Volume IV). Inquiries of the Victoria City Archives uncovered original minutes written by W. A. G. Young of the first meetings of Heads of Departments of Vancouver Island (reprinted as Appendix C, Volume I, 392–96). These minutes, along with other Young papers, recently had been transferred from a vault in the Land Registry Office, where they had lain for longer than the oldest employee there could remember. This find was especially intriguing because it covered the same time frame as the missing Council minutes and because Young, as acting colonial secretary, was the man who had forwarded the Council minutes to England. Moreover, these records furnished important documentary evidence of Douglas' efforts to obtain advice on executive matters before the establishment of the Executive Council, and even before he had requested such an establishment. But the fate of the missing Council minutes remains a mystery, and only time will reveal if a copy remains extant.

The missing minutes unfortunately cover a critical time in the evolution of the Council into the Legislative Council, but in terms of the content of these records, the loss is not too serious inasmuch as one can deduce fairly accurately from the journals of the Assembly the issues that came before the Council during this session. Indeed, with the exception of the minutes of the Executive Councils of both colonies, the official journals of the legislatures ought more properly to be designated as proceedings rather than minutes. They do not constitute a record of the debates in their respective bodies; they are not a Hansard. Although the early records of the Council of Vancouver Island summarize the discussion of that body in some detail, the journals of the Assembly and Legislative Council of Vancouver Island and of the Legislative Council of British Columbia only rarely record anything beyond official actions. In contrast, the minutes of the Executive Councils of both colonies are extremely informative and encompass the full range of issues on which the governor solicited the advice of his official advisers. These deliberations were never made public, and each member was required to take an oath not to divulge their nature.

<sup>&</sup>lt;sup>2</sup> Douglas to Newcastle, 20 March 1862, Great Britain, Public Record Office, CO 305/19, p. 96, mf., Provincial Archives of British Columbia.

<sup>&</sup>lt;sup>3</sup> Douglas to Newcastle, 28 May 1862, CO 305/19, pp. 172-74.

In Vancouver Island, the first newspapers appeared in 1858 and began coverage of the sitting of the First House of Assembly. The fact that reporters were barred from the Council, which always seems to have conducted its business in camera, aroused the ire particularly of Amor De Cosmos, the crusading editor of the *British Colonist*, who immediately called for a popularly elected upper house instead of the existing clandestine one that debated "with closed doors like an inquisition or a conspiracy." Replacing the Council with the Legislative Council in 1863 did not alter the existing state of affairs. Only on 9 March 1864, during his last week in office in Vancouver Island, did Douglas open meetings of the Legislative Council to the press, a practice continued by Governor Arthur Edward Kennedy until the termination of the colony in 1866.

A similar situation prevailed in British Columbia when the first Legislative Council refused to admit John Robson, editor of the New Westminster *British Columbian*, to its meetings, resolving instead by a vote of five to four "that the door be closed to strangers" and the press supplied with copies of the official minutes upon request.<sup>5</sup> Robson charged the vote transformed the legislature into a "Star Chamber" and, rejecting the official record as too "dry and unintelligible," ran a much more detailed account under the leader, "Legislative Council (Secret)." The Legislative Council continued to exclude the press and public during the session that began in December 1864 but finally opened its doors to the public when it adopted more liberal Standing Orders introduced by Governor Frederick Seymour in January 1865.<sup>7</sup> Thereafter sessions were reported at length in the newspapers whose accounts invariably contain much more detailed information than is recorded in the official minutes reprinted here.

Only during the debate over Confederation in 1870 was an attempt made to report verbatim the debate in the colonial legislature. This debate occurred while the Legislative Council sat in Committee of the Whole in which, technically, no minutes are kept, so no record of these debates appears in the official minutes. Doubtless because of the importance of the subject, the government appointed W. S. Sebright Green, a solicitor and journalist from Victoria, to provide a complete transcript of what each member said. These debates were published at the time in two *Government Gazettes Extraordinary* and reprinted in a different format later that year and again in 1912. So closely related are these debates to the official journals of the colonial legislatures that they are reprinted here as Appendix A, Volume V.

Taken individually, the journals reprinted here are not of great immediate consequence to the political history of colonial British Columbia. Except for the journals of the Executive Councils and the debates over Confederation, the content is often tedious, the style repetitious, and the substance disappointing. Nevertheless, the journals collectively represent the official record of the evolution of parliamentary forms of government in the northwestern part of North America and, as such, are of enormous intrinsic historic worth. For this reason alone they are

<sup>4 18</sup> December 1858.

<sup>&</sup>lt;sup>5</sup> British Columbian, 23 January 1864 and ff.; minutes for 26 January 1864, IV, 188.

<sup>&</sup>lt;sup>6</sup> British Columbian, 17 and 3 February 1864.

<sup>&</sup>lt;sup>7</sup> Standing Order 61, Appendix A, IV, 392.

worthy of being published and preserved. More than that, a careful examination of these records can tell us much about the principles on which our political and legal institutions were shaped, of the conditions under which our forebearers lived, and of the rich political heritage that is ours because of events that happened many decades ago and even continents away and have in some measure become a part of all who are the recipients of the unique political culture that is British Columbia.

### THE CONSTITUTIONAL DEVELOPMENT OF VANCOUVER ISLAND

The colony of Vancouver Island was created by royal charter, 13 January 1849 (reprinted as Appendix A, Volume I, 374-78), as a consequence of British apprehension of possible further American expansion northward following the Oregon boundary settlement in 1846. The British Colonial Office decided that the best way to strengthen the British presence in this remote territory was to establish a colony of British subjects. After due consideration, it also decided the best agency for this purpose was the Hudson's Bay Company, which had both an interest in and knowledge of the area as well as the requisite capital resources to undertake a project of this magnitude. Thus it happened that a fur-trading monopoly, whose activities were inherently opposed to large-scale settlement, was charged with the responsibility of establishing a colony on Vancouver Island. The charter of grant stipulated that in exchange for an annual payment of seven shillings, the company would become the "true and absolute lords and proprietors" of the island, that ninety per cent of the revenue from land sales and royalty payments must be used for public purposes, and that the company must "defray the entire expense of any civil and military establishments." Another clause stated that if the company had not established a settlement within five years, the grant could be revoked without compensation, and that after ten years, upon the expiry of the company's exclusive rights to trade with the Indians (30 May 1859), the crown could resume title to the island by reimbursing the company for its expenses relative to the colony.

The decision to establish a colony along the northwest coast of North America carried with it the assumption that British settlers were entitled to a voice in their own government, an assumption that reached back to the establishment of the first British colonies in the new world. The concept that Englishmen were entitled to representative institutions was first legally embodied in the charter of the Virginia Company and led to the summoning of the Virginia House of Burgesses in 1619, the first representative assembly of British subjects outside the mother country. Over the years there emerged a pattern of government in "settled" colonies (that is, in colonies settled by British subjects) consisting of a governor and bicameral legislature. As explained in the Colonial Office's regulations, "According to the old Colonial system of Government, Colonies settled by Englishmen were (and are) held legally entitled to Representative Institutions. In these the Legislature consists of the Governor, a Council nominated by the Crown (which acts also as the Executive Council or Council of advice to the Governor), and an Assembly elected by Freeholders and others according to the electoral laws of each Colony." In time

<sup>&</sup>lt;sup>8</sup> "Rules and Regulations," *The Colonial Office List for 1863*, William C. Sargeaunt and Arthur N. Birch, compilers (London, Edward Stanford, 1863), chap. II, p. 94. See also Martin Wight, *The Development of the Legislative Council: 1606–1945* (London, Faber & Faber, 1945).

this bicameral legislature gave way to a single Legislative Council to which some members were appointed and others were elected. Crown colonies, on the other hand, were denied representative institutions. Because they were usually acquired by conquest or by cession, they were sometimes referred to as "ceded" or "occupied" colonies. They were not populated primarily by British subjects and were ruled by a governor and council whose members were all nominated by the crown.

Vancouver Island was never a crown colony, even though it has frequently been mislabelled as such. Rather, its constitution was based on the old colonial system, which prevailed generally throughout the British West Indies. Although the Hudson's Bay Company was granted proprietary rights to the island, the Colonial Office decided to reserve to the crown the right of appointing the governor, after James Stephen, permanent undersecretary from 1836 to 1847 and an inveterate foe of monopoly, objected to granting the company powers of civil jurisdiction, which it had exercised in Rupert's Land under the terms of its original charter of 1670. A separate act of Parliament empowered the colonial legislature to provide for the administration of justice.<sup>9</sup> In the absence of any specific organic act establishing the government of the colony, the constitution of the new colony derived from the royal commission and instructions issued to the first governor, Richard Blanshard, an ambitious young barrister who arrived in Victoria on 9 March 1850. In a simple ceremony two days later, Blanshard read his commission and instructions (reprinted as Appendix B, Volume I, 379-91), thereby inaugurating British rule west of the Rockies. Blanshard's commission and instructions authorized him to appoint a Council of seven persons in addition to himself (three of whom would form a quorum), to summon a General Assembly of freeholders, and with the "advice and consent" of these two bodies to enact legislation for the new colony. A further clause ambiguously stated that the governor, "with the advice of said Council," could "enact all such Laws and Ordinances as may from time to time be required for the Peace, Order and good Government of the said Colony."10

The constitutional history of Vancouver Island has never been adequately described nor even fully understood. For convenience, it might be divided chronologically into three parts, from 1850 to 1856, from 1856 to 1863, and from 1863 to 1866, although the entire period was characterized by groping change and gradual evolution. The first period commenced with the arrival of Blanshard in 1850, or more particularly with the establishment of the Council just before his departure in August 1851. The Council has since been customarily but incorrectly referred to by historians as the Legislative Council, as indeed it was by James Douglas at the time; but technically it was a Council with both executive and legislative functions in keeping with the forms of the old colonial system. The second period began

<sup>&</sup>lt;sup>9</sup> An Act to Provide for the Administration of Justice in Vancouver's Island, 12 & 13 Victoria, c. 48. For information relative to the establishment of the colony of Vancouver Island, see minute on J. H. Pelly to Earl Grey, 5 March 1847, CO 305/1, pp. 105–10; memorandum by H. Merivale, 21 June 1848, CO 305/1, pp. 195–97; Grey to Pelly, 31 July 1848, CO 305/1, p. 207.

<sup>&</sup>lt;sup>10</sup> Appendix B, I, 380. For a discussion of Blanshard's appointment and tenure, see Willard E. Ireland, "The Appointment of Governor Blanshard," *British Columbia Historical Quarterly*, VIII (July 1944), 213–26, and W. Kaye Lamb, "The Governorship of Richard Blanshard," *BCHQ*, XIV (January–April 1950), 1–40.

with the summoning of the first elected assembly (technically, the General Assembly) in 1856, thereby completing the bicameral legislature as required by the royal commission and instructions. The third period was marked by the issuing of supplementary instructions to Governor Douglas in 1863, which amended the original constitution by dissolving the Council and replacing it by two separate and distinct bodies, an Executive Council and a Legislative Council.

As the Queen's personal representative in the colony, the governor exercised considerable authority, which was broadly defined in his commission and instructions. Under these instruments he was generally empowered to issue writs of summons and elections; to grant or withhold his assent to bills, subject to the pleasure of the crown; to appoint and suspend public officials, again in accordance with strict instructions from the crown; to grant pardon or clemency to persons convicted of criminal offences in colonial courts; and to issue marriage licenses, administer oaths, and ensure that proper records were kept of all matters within his jurisdiction. Public funds could be expended only under his warrant, and he could not absent himself from the colony without express permission from the home government.<sup>11</sup>

From the outset there were problems with Vancouver Island's constitution, and Blanshard soon discovered his situation was intolerable. For example, he had accepted the governorship without salary on the understanding he would receive a grant of one thousand acres of land, only to learn from Douglas upon his arrival that the land was attached to the office and not for his private use. More important, he quickly discovered he had no one to govern. Because virtually all the settlers in the colony were employees of the Hudson's Bay Company, they were therefore answerable in most matters to James Douglas, who as the company's chief agent was responsible not only for the conduct of the fur trade but also for the sale of land and the consequent expenditures for public works in the colony. Shortly after his arrival, Blanshard promptly advised the secretary of state for the colonies, Earl Grey: "As no settlers have at present arrived, I have considered that it is unnecessary as yet to nominate a council as my instructions direct, for a council chosen at present must be composed entirely of the officers of the Hudson Bay Company, few if any of whom possess the qualification of landed property which is required to vote for members of assembly, and they could moreover be completely under the control of their superior officers but as no immediate arrival of settlers is likely to take place, and my instructions direct me to form a council on my arrival, I should wish for a further direction on this point, before I proceed to its formation." Grey approved of Blanshard's delay, but he impressed upon him the expediency of establishing the "prescribed institutions" at an early date.12

Under the circumstances it was probably inevitable that friction should develop between Blanshard and Douglas, who as the agent of the proprietors, exercised de facto power over the colony's employees and public affairs. Blanshard, indeed, soon became convinced that the Hudson's Bay Company was determined to exclude all free settlers from the colony and retain the island as its own preserve. Less

<sup>11 &</sup>quot;Rules and Regulations," Chap. I, Colonial Office List, 1863, p. 93-4.

 $<sup>^{12}</sup>$  Blanshard to Earl Grey, 8 April 1850, CO 305/2, pp. 49–50; Grey to Blanshard, 16 July 1850, CO 410/1, pp. 3–4.

than nine months after his arrival, Blanshard tendered his resignation and requested leave to quit the island. In the spring of 1851 he again reported he had deferred implementing his instructions because of "a total want of the necessary materials [i.e., a settled population] either for a council or for any other legislative or executive appointment." Finally in August he received word that his resignation had been accepted and he was free to depart. His last official act was to appoint a Council of three persons, designating Douglas as senior member, which, in keeping with the royal commission, meant that he would become the administrator of the government upon Blanshard's departure a few days later. Meanwhile, the Colonial Office decided to comply with the request of the Hudson's Bay Company, and appointed Douglas as governor; his commission and instructions were similar to those of his predecessor and arrived at the end of October.

The Council of Vancouver Island, like those of the West Indies, was intended to serve a dual function. It was "both the Privy or Executive Council of the Governor, the advice and assent of which he was bound to secure before he could perform certain of his duties, and the Upper Chamber of the colonial legislature." By the terms of his instructions, the governor was obliged to permit members of the Council "to have and enjoy freedom of debate, and vote in all affairs of public concern," and to keep a record of its proceedings, a copy of which was periodically sent back to England.

These restrictions to the unbridled use of power, Douglas dutifully observed. Although he used the Council sparingly, its journals clearly indicate that he consulted it both on legislative and executive matters, and included in the latter category were many public responsibilities that devolved upon him as agent of the Hudson's Bay Company rather than as governor. His first revenue proposal, a five-per-cent levy on all imports, the Council rejected as impractical; a year later the Council deferred action on the grounds that "without the consent of the representatives of the people," such a tax would also be unconstitutional. Only a few pieces of legislation were enacted during this earliest period, one of which was an act establishing a Supreme Court of Civil Justice. Douglas then appointed his brother-in-law, David Cameron, as judge and raised a storm of controversy because Cameron was not trained as a lawyer. Neither, for that matter, was anyone else in the colony. For this reason, Douglas requested the Colonial Office to have the legal advisers to the crown examine and approve the rules of court that Cameron had drawn up.

The passage of this act threw the Colonial Office into a quandary when the Crown's legal officers discovered that no Assembly had yet been established, and they questioned "whether the Crown can legally convey authority to make Laws in a Settlement founded by Englishmen, even for a temporary and special purpose, to any Legislature not elected wholly, or in part, by the Settlers themselves." In short, the ambiguous clause in Blanshard's and Douglas' commissions permitting them to govern with the advice of the Council only was almost certainly

<sup>&</sup>lt;sup>13</sup> Blanshard to Earl Grey, 12 May 1851, CO 305/3, p. 18.

<sup>&</sup>lt;sup>14</sup> [H.] Hume Wrong, Government of the West Indies (New York, Negro Universities Press, 1969), p. 40.

<sup>15</sup> Minutes for 28 April 1852 and 29 March 1853, I, 6, 8.

<sup>&</sup>lt;sup>16</sup> Labouchere to Douglas, 28 February 1856, CO 410/1, pp. 82–89. For the report of the law officers and attached minutes, see CO 305/5, pp. 184–90.

illegal—and so were all laws passed in Vancouver Island. The Colonial Office could either complete the constitutional process it had initiated seven years earlier, or it could seek authority from Parliament to establish some other form of legislature. It hesitated to order the establishment of an Assembly because there were then known to be only forty-three persons in the colony with sufficient property (twenty acres freehold) to enable them to vote. Moreover, it was also aware that the establishment of such a body could be cited by the Hudson's Bay Company as evidence that a settlement existed and thus impair the crown's right to revoke the charter of grant made in 1849. Before making a final decision, it procured an Order in Council establishing the Supreme Court to provide legal authority for the administration of justice on Vancouver Island. Then in a confidential despatch to Douglas, it cautioned him against enacting any further legislation and requested him to confine his actions to his general powers of preserving the peace.<sup>17</sup>

Vancouver Island's constitutional impasse was not resolved until 1856. The reasons for the delay can be attributed in part to the time consumed by the exchange of despatches between Downing Street and Victoria, and to the administrative confusion attending the rapid succession of no less than six principal secretaries of state in the eighteen months prior to Henry Labouchere's installation in November 1855. During this time the Order in Council creating the Supreme Court lay in the law offices for a period of five months. Labouchere sought advice from one of his immediate predecessors, Sir George Grey, who advised him to stay with the existing constitution rather than going before Parliament to seek an alteration. "I think that a bill for the government of a colony is never discussed in Parliament without danger, generally without serious injury not only to the colony immediately affected, but to the whole of the colonial dominions," he wrote privately. "The incredible ignorance & rashness which prevail upon this subject in the House of Commons, lead to the use of language there & the promulgation of doctrines which tend to shake all authority." Grey also recalled that the original intention had been to have the governor of Vancouver Island "immediately on his arrival call an Assembly, & by its aid pass a law creating a council of 2 or 3 members to which legislative authority shd. be entrusted. Though the Queen cannot by her own authority create such a council in a colony formed by settlement it is equally certain that she can do this by the authority of the inhabitants themselves." He concluded by saying that a governor, by the discreet exercise of his executive power, could "prevent an Assembly from doing any real harm. The people themselves are also the only sufferers by any mistakes of the Legislature, & I think it far better to allow them to suffer from these mistakes however gross they may be, than to protect them from the consequences of their own folly by appealing to Parliament. If they will not vote the money necessary to carry on the public services let the service stop, even if it involves turning the criminals out of gaol, & disbanding the police. This was the game I played with the assembly of Jamaica & the Court of Policy in Guiana & in both cases with success."18

 $<sup>^{17}</sup>$  George Grey to Douglas, confidential, 5 April 1855, CO 410/1, pp. 68–69. The list of potential voters is in CO 305/6, p. 251.

<sup>&</sup>lt;sup>18</sup> George Grey to Henry Labouchere, 26 January 1856, Labouchere Papers, Add. MSS 310, PABC.

In February 1856, Labouchere forwarded instructions to Douglas along the lines suggested by Grey. He pointed out that the Assembly authorized in Blanshard's commission had to be established, but that if the resulting legislature was deemed too elaborate for the circumstances of the colony, Douglas should have the legislature pass a law reconstituting itself into a smaller, single body, as had been done in some of the smaller West Indian colonies, in which not less than one third of the members should be appointed by the Crown and the rest elected. Labouchere recognized, he said, the onerous responsibility these instructions would place on Douglas, "especially as they have to be carried into execution with so small an amount of assistance as the present circumstances of your Settlement afford. But I have every reason to rely on the continuance of such assistance and support as Her Majesty's Government can render you, and on their making full allowance for the peculiarities of your position." He accompanied this despatch with a confidential one of the same date, authorizing Douglas, should an emergency arise, to prorogue the Assembly "whenever you may deem expedient and to conduct the Executive business of the Colony as heretofore with the advice of your Council, leaving legislation for future opportunities."19

In inaugurating the first representative institutions in British territory west of the Great Lakes, James Douglas was all too aware of the "peculiarities" of his situation. Having left Britain as a teenager before even the passage of the First Reform Bill, having spent all his adult life in the fur trade without an opportunity even to exercise the franchise, having only "very slender knowledge of legislation" and no "legal advice or intellectual assistance of any kind," he embarked on his task with considerable diffidence. He divided the colony's white settlements into seven electoral districts and issued writs for general elections. So few were the electors, he reported, that the returns amounted to "mere nominations" in all districts except Victoria, where five candidates vied for three seats.<sup>20</sup> John Work, a member of the Council, found the elections "little better than a farce," but Douglas did his best to make the opening of the Assembly in Bachelor's Hall in Fort Victoria, 12 August 1856, a solemn occasion. "I attended in person and addressed the house as is usual on such occasions," he informed the secretary of the Hudson's Bay Company the following day. "The affair went off very tamely, and with a scanty attendance of the lower orders, who notwithstanding the outcry formerly made, may be now supposed to feel that their liberties are in safe keeping."21

The First House of Assembly, 1856–59, produced very little in the way of legislation. In the first order of business, Dr. John Sebastian Helmcken was elected speaker, a position he continued to hold for the entire life of the colony. The Rules of Debate and Standing Orders of the House of Commons in England were quickly adopted. With only "an antediluvian and very learned volume, Horsford's

<sup>&</sup>lt;sup>19</sup> Labouchere to Douglas, No. 5, 28 February 1856, and confidential, 28 February 1856, CO 410/1, pp. 82–89, 91–92.

 $<sup>^{20}</sup>$  Douglas to Labouchere, 22 May 1856, CO 305/7, pp. 45–47; Douglas to Labouchere, 22 July 1856, CO 305/7, pp. 59–61.

<sup>&</sup>lt;sup>21</sup> John Work to Edward Ermatinger, 8 August 1856, Ermatinger Papers, PABC. Douglas to William G. Smith, 13 August 1856, Fort Victoria, Correspondence Outward to Hudson's Bay Company, 1855–1859, PABC.

Precedent's," to guide them in parliamentary procedure, the new legislators were forced to adopt a common-sense approach to their business and conduct their affairs "as at ordinary meetings." Helmcken later admitted that this sometimes led to difficulties but at least had the virtue that "no one spent every day in discussing 'points of order'." Eventually the novice legislators obtained "an American book from some State legislature," which aided them "very considerably."<sup>22</sup>

From the beginning there was friction between the governor and the Assembly over the control of public expenditures. The only funds at the Assembly's disposal were the revenues from the sale of liquor licenses, one of the few measures previously approved by the Council, which the law officers to the crown agreed could stand on the basis of the governor's general authority to keep the peace. Under the terms of its charter of grant, the Hudson's Bay Company was obligated to pay the full costs of government; another clause permitted the crown to resume control of the island, by reimbursing the company for all its expenses. The Assembly, therefore, refused to sanction the imposition of customs duties, or any other forms of supplementary taxation, and directed their efforts instead to pressure the governor to increase expenditures from company funds, which would eventually then have to be repaid by the imperial treasury. For his part, Douglas was understandably reluctant to allow expenditures to exceed the revenues obtained from the sale of land, preferring instead to have the Assembly raise its own revenue to pay for additional projects.

This was the situation in 1858, when the Fraser River gold rush transformed Victoria and greatly increased demands for public works and government services. In May 1859 the British government decided to terminate the company's grant and resume direct control of the island, thereby forcing the Assembly to consider appropriate ways and means of raising its own revenue. As the demands on Douglas' time mushroomed, he named a number of officials, appointed to head government departments in British Columbia, to acting positions in comparable offices in Vancouver Island. The Assembly was particularly anxious to obtain control of the revenue from the sale of crown land, but Douglas and Colonial Office were unwilling to accede to its wishes unless it, in turn, passed legislation permanently securing the colony's civil list, the salaries of the principal officers of the government. This, the Assembly was unwilling to do, claiming that the government was not responsible to it and that the costs were too high. In these efforts assemblymen were aided and abetted by a vocal "reform" party, headed by a newcomer from Nova Scotia via California, Amor De Cosmos of the British Colonist, who spearheaded a noisy campaign to make the executive branch of government responsible to the people's elected representatives instead of to Downing Street.

In 1860, Douglas began the practice of introducing annual spending estimates for the Assembly's consideration. Later that year a dispute arose when the Council, which the Assembly viewed as a mere extension of the executive branch, amended the "Bill to Regulate the Sale of Fermented and Spirituous Liquors," which the Assembly unanimously claimed virtually altered "the scale of taxation . . . fixed by

 $<sup>^{2\,2}</sup>$  Dorothy Blakey Smith, ed., The Reminiscences of Doctor John Sebastian Helmcken (Vancouver, University of British Columbia Press, 1975), p. 334.

this House." When the Council replied that it had "as good a right" to amend a bill from the lower house as the Assembly had to amend a bill from the upper, the Assembly responded with the following declaration: "That all supplies & aids from the Colony of Vancouver Island & its dependencies for the use of Her Majesty are the sole gift of the House of Assembly of the said Colony & it is the undoubted & sole right of the said House to direct, limit, and appoint in the Bills granting such aids & supplies, the ends, purposes, considerations, limitations, & qualifications of such grants which ought not to be changed or altered by the Hon. Council."<sup>23</sup> A conference of delegates from both houses failed to resolve the dispute fully, and the Assembly let the bill lapse rather than accept the amendment. Reflecting upon the incident some thirty years later, Helmcken allowed that members of the Assembly were not sufficiently learned to maintain their position against the opposition of the more erudite Council. Subsequently, the records show that the Council and later even the Legislative Council continued to amend or consider amending ways and means bills sent up from the Assembly.<sup>24</sup>

The contest between the executive and the Assembly pointed up the basic weakness of the old West Indian system of government, the lack of effective liaison between the governor and the elected representatives. The issue was not merely one of responsible versus representative government; the larger problem was that, in the absence of a cabinet, there was no adequate mechanism through which the government, as represented by the governor and his Council, could introduce, justify, and defend government measures in the lower house. As a noted constitutional historian has observed, the system was "essentially unstable" and inevitably produced a state of conflict and stalemate.<sup>25</sup> To mitigate this problem, Douglas succeeded in having one of his department heads successfully contest a seat in the Assembly in 1859 and again in 1863. Acting Attorney General George Hunter Cary sat in the Second House of Assembly from 1860 to 1863, and Acting Colonial Secretary W. A. G. Young did so in the Third House for one year, from 1863 to 1864. Both of these men played extremely valuable roles in introducing, explaining, and defending government measures, and Douglas depended heavily upon them as de facto ministers of finance. After Douglas' retirement and Young's simultaneous resignation in 1864, the situation deteriorated so markedly that the normal functions of government were reduced almost to paralysis.

During the first two Houses of Assembly, 1856–63, the role of the Council also underwent significant changes. Until 1858 it sat infrequently at the call of the governor, but as the volume of legislation from the Assembly increased following the gold rush, the Council began to discard its function as the governor's select privy council and to assume more the posture of a formal legislative body. In July 1859 it dropped its advisory function entirely when, in response to a request from Douglas, the Council "declined entertaining or passing any opinion on a subject

<sup>&</sup>lt;sup>23</sup> Minutes of Assembly, 16 October 1860, II, 247; minutes of Council, 4 January 1861, I, 70; minutes of Assembly, 15 January 1861, II, 271.

<sup>&</sup>lt;sup>24</sup> Smith, ed., Reminiscences of Helmcken, pp. 151-52. See also minutes of Council, 10 October 1862, I, 94; minutes of Legislative Council, 2 June 1865, I, 313, and Colonist, 3 June 1865

<sup>&</sup>lt;sup>25</sup> Arthur Berridale Keith, Responsible Government in the Dominions (London, Stevens and Jones, 1909), pp. 1–2.

which they conceived to belong to the Executive, and not come under their province as a legislative body."<sup>26</sup> Douglas himself ceased to attend meetings of the Council in late 1860, and on 6 February 1861, at the end of the first session of the Second House, the Council was "prorogued" for the first time along with the House. By March 1862, Roderick Finlayson, the senior member of the Council, is referred to in the minutes as the presiding member.

The transformation of the Council into a purely legislative body caused Douglas to turn to members of his official family for advice. In August 1861 he began holding formal but unofficial meetings with his department heads, and the following May he sought authority from the Colonial Office to establish two separate and distinct bodies, an Executive Council to be composed of his principal executive officers, and a Legislative Council to be composed of the present membership of the Council, except those who also held seats in the Assembly.<sup>27</sup>

Almost a year elapsed before London responded to this request. Although officials in the Colonial Office recognized, as one of them noted, that the "machinery of Government" on Vancouver Island was already "ludicrously complex for such a miniature community,"28 they proceeded to draft the necessary supplementary commission and instructions. But the Duke of Newcastle, secretary of state for the colonies, had other priorities. Following the gold rush to the Fraser River, the British government had created a separate colony of British Columbia on the mainland. It then appointed Douglas as governor of that colony also and armed him with temporary, emergency powers to legislate there by proclamation only, without reference to any other body. Douglas quickly and efficiently established British jurisdiction over the gold fields, and the Colonial Office began laying plans to unite the two colonies just as soon as the population on the mainland became more settled. What London failed to realize, however, was how strongly mainlanders resented being ruled by an absentee governor, armed with absolute powers, who pursued policies that seemed calculated to favour the island at the expense of the mainland—like declaring Victoria a free port while imposing customs duties in British Columbia. In establishing a permanent government for British Columbia, measures had to be taken to check this developing local rivalry before it became irreconcilable. It was in this context that Newcastle decided to replace Douglas with separate governors in each colony.

In searching for the appropriate constitution for British Columbia, Newcastle was careful not to reproduce the old representative system employed in Vancouver Island, nor to select an alternative that would impose any impediments to the eventual union of the two jurisdictions. His solution was a single Legislative Council in which the elective principle could gradually be introduced so that in time the legislature would become compatible with that in Victoria. Only when he had fully decided on the constitution for British Columbia, and that an Executive Council on the island would be paralleled by a counterpart on the mainland, did he authorize the supplementary commission and instructions to Douglas (reprinted as Appendix D, Volume I, 397–400), dissolving the Council of Vancouver Island

<sup>&</sup>lt;sup>26</sup> Minutes for 21 July 1859, I, 36.

<sup>&</sup>lt;sup>27</sup> Douglas to the Duke of Newcastle, 31 May 1862, CO 305/19, pp. 182-84.

<sup>&</sup>lt;sup>28</sup> Minute by Chichester Fortescue on *ibid*.

and replacing it with a separate Executive Council and a Legislative Council. On 14 April 1863, Newcastle outlined his plans for both colonies and authorized Douglas to implement the constitutional changes.<sup>29</sup>

The dissolution of the Council ushered in the final phase in Vancouver Island's constitutional development. Douglas' establishment of the Executive Council on 20 October 1863 filled a void that had existed since the Council had eschewed its executive functions, and it legitimized the practice Douglas had begun in August 1861 of meeting separately with his department heads. The Executive Council inherited all of the powers and authority of the former Council except for the enactment of laws, a function now transferred to the Legislative Council. By the terms of his commission, the governor was required to seek the advice of the Executive Council on a wide variety of matters, ranging from the appointment of judges, the expenditure of public funds, the regulation of elections, and the pardoning of criminals. The governor was the presiding member of the Executive Council, and only he could summon it to meet. Its membership consisted of the colonial secretary, attorney general, treasurer, and surveyor general, in that order of precedence, and any two members constituted a quorum. In the event of the incapacity of the governor or his absence from the colony, the colonial secretary, as ranking member, became the officer administering the government. Meetings were always held in camera, and members were required to take oaths of secrecy with respect to their deliberations. The governor did not have to accept their advice, but if he did not he was obliged to record in the minutes his reasons for not doing so. Members could likewise request that their questions as well as the governor's answers be duly recorded for transmission to England.

The Legislative Council assumed the legislative functions of the former Council, continuing without interruption as the upper house in Vancouver Island. It sat only when the Assembly was in session, its existence now regulated by the same authority as that of the lower house, which from then on became increasingly referred to as the Legislative Assembly. The governor was not a member of the Legislative Council, and membership was restricted to a maximum of eight persons in the following order of precedence: the chief justice, members of the Executive Council, members of the Council at the time of its dissolution, and up to four additional persons whom the governor might appoint provisionally from time to time. Members were free to contest a seat in the Assembly but if elected had to vacate their seats in the Legislative Council while sitting in the lower house. As ranking member, the chief justice became the presiding officer and held a second and casting vote in the event of a tie. After Kennedy's arrival, the chief justice verified the minutes of each day's proceedings with his signature. Kennedy also made it clear that he expected official members of the Legislative Council to vote in support of government measures. Although he permitted free votes on many measures, he frequently placed on the agenda of Executive Council meetings legislation sent up from the Assembly to determine beforehand how government officials should vote in the upper house.

<sup>&</sup>lt;sup>29</sup> Newcastle to Douglas, separate, 14 April 1863, CO 410/1, p. 409. Newcastle memorandum, 27 March 1863, CO 60/17, pp. 176–92.

The amendment of Vancouver Island's constitution did not directly affect the inherent conflict between the executive branch of government and the Assembly, but a subsequent event certainly did. In a despatch dated 15 June 1863, Newcastle announced his intention of terminating the executive link between the two colonies by "placing them under different Governors so soon as the proper financial arrangements are made for the permanent support of the Government." To this end he instructed Douglas to place before the Assembly two acts, one securing the civil list on a permanent basis and the other giving the governor the right to initiate all money bills. In exchange, the Colonial Office would transfer the crown revenues to the control of the Assembly. Shortly thereafter Newcastle appointed Arthur Edward Kennedy to replace Douglas in Vancouver Island and Frederick Seymour to replace him in British Columbia.

The Assembly reacted angrily to these measures. Although it had repeatedly attacked Douglas' leadership and authority in the past, it suddenly realized how vulnerable the island's economy and commercial policy would be to independent action by British Columbia. Under its own governor, that colony would be free to pursue its own economic destiny without reference to Victoria, and the island would lose the pre-eminent influence it had enjoyed because of Douglas' simultaneous jurisdiction over the mainland. To avoid such a fate, the Assembly mounted a full-scale offensive to cause Newcastle to reconsider his course of action. Unfortunately, the person who bore the brunt of this displeasure was Kennedy, a career officer and first-rate administrator, whose very appointment came to symbolize the Colonial Office's policy the Assembly was determined to resist.

Even before Kennedy arrived, the Assembly rejected the civil list, thereby refusing to pay salaries to him and members of his official family. It further resolved that the absolute separation of the two colonies could only be "injurious to both and render their Union hereafter impracticable" and asked that their "intimate necessary and advantageous connexion" be retained. 31 Upon Kennedy's arrival, the Assembly refused to provide him with a residence, with passage money and salary for his private secretary, or even adequate office accommodation. He informed members of his Executive Council that "the whole furniture of his office consisted of a Table, a Carpet and a few common Chairs. That there was no Library, Maps, or Books of reference of any kind. That there is no Messenger or Attendant of any kind provided for the Governors Office, nor provision made for any of these requisites in the Annual Estimates."32 The Assembly soon came to a temporary agreement with the governor to indemnify him against personal loss if he used the crown revenues for these purposes, but not before a mass meeting of one thousand citizens had voted nonconfidence in the Assembly and branded the Assembly's actions as "incourteous, uncalled for, and quite unbecoming the representatives of a loyal people."33

<sup>30</sup> Newcastle to Douglas, separate, 15 June 1863, CO 398/2, pp. 139-48.

<sup>32</sup> Minutes for 11 April 1864, I, 125.

<sup>&</sup>lt;sup>31</sup> Minutes for 9 February 1864, III, 69. For a discussion of Kennedy's relations with the Assembly, see Robert L. Smith, "Governor Kennedy of Vancouver Island and the Politics of Union, 1864–1866" (unpublished M.A. thesis, University of Victoria, 1973).

<sup>&</sup>lt;sup>33</sup> Victoria Colonist and Chronicle, 12 April 1864.

For months the Assembly continued to debate a variety of schemes that would salvage some kind of executive union under one civil establishment and a federated legislature. Victoria's dilemma was that total union with British Columbia could jeopardize its status as the capital and free port and its elected Assembly, while absolute separation would invite economic retaliation by British Columbia—which, eventually is what transpired. The situation was compounded by an economic recession that descended on both colonies in late 1864 and 1865. Finally the Assembly capitulated. On 25 January 1865 it passed a resolution praying for the immediate union of the two colonies "under such constitution as her Majesty's Government may be pleased to grant." It was a rash move, and little did islanders expect the consequences that would flow from this action. In the end, however, the Colonial Office decided to take them at their word and unify the colonies by abolishing outright the legislature of Vancouver Island and annexing the island to British Columbia.

As the dispute between the Assembly and the Colonial Office wore on, it increasingly centred upon the right of the lower house to initiate and control public expenditures. There was never any question about the Assembly's prerogative in initiating taxation (ways and means) measures. Rather, the point at issue was the Assembly's insistence on its right to initiate bills of supply and Newcastle's explicit instructions of 15 June 1863 that the initiation of all money votes should be secured to the government. In rejecting the civil list as proposed by the Colonial Office, and in urging, as much as possible, one civil establishment for both colonies, the Assembly argued that the colony could not afford the increased costs. In reality, what it was striving to achieve was responsible government, that is, making the executive branch of the government directly responsible to the elected representatives.

On 13 January 1864, De Cosmos gave notice of motion to introduce a resolution "that it is the undoubted right of this House to originate and pass a money Bill with or without a request from the Executive." The motion was postponed at his own request, and after simmering for several months the matter came to a head during the consideration of Kennedy's estimates for 1866, when a similar resolution was affirmed and implemented.<sup>35</sup> Throwing caution to the wind, the Assembly ran roughshod over the estimates, drastically slashing many items, amalgamating and even abolishing several government offices, and adding some \$77,000 in new and increased estimates beyond what Kennedy had requested.<sup>36</sup> Relations between the governor and Assembly eventually broke down entirely and no appropriation bill was passed for 1866, the Assembly being content (once it realized union was under way) to let the governor borrow the funds to meet necessary government expenditures inasmuch as the added indebtedness would then have to be assumed by the united colony. Not until April 1867 was the matter finally settled, when the Legislative Council of British Columbia was forced to pass an ordinance confirming the expenditure of \$141,295.15 for the service of Vancouver Island in 1866.37

<sup>34</sup> Minutes for 25 January 1865, III, 248.

<sup>35</sup> Minutes for 13 January 1864, III, 56, n. 48; minutes for 16 January 1866, III, 406.

<sup>&</sup>lt;sup>36</sup> Kennedy to Speaker and Members of Legislative Assembly, 2 February 1866, minutes for 7 February 1866, III, 428–30.

<sup>&</sup>lt;sup>37</sup> Minutes for 1 April 1867, V, 98-99.

The obstructionist tactics of the Assembly increasingly exasperated Colonial Office officials and undoubtedly contributed to their draconian decision to terminate the constitution of Vancouver Island and extend the jurisdiction of the mainland over it. In July 1865, even before the clash over the 1866 estimates, the assistant undersecretary wrote: "This petty body at Vancouver [Island] is exceptionally obstinate and unmanageable, and is among the worst specimens of a Colonial Assembly. The idea of Responsible Government at such a place would be preposterous." Several months later, after wrestling for several weeks over how best to unify the colonies, the same official again lashed out at Vancouver Island's "lunatic House of Assembly, and a bankrupt Government. There is clearly no other remedy than annihilation of the Constitution, or mixing the Colony up with British Columbia. . . . How Governor Kennedy manages to get on at all and keep his temper with such a Legislature is surprising." 39

The bill for the union of the colonies was first introduced on 11 June 1866 and lay on the table of the House of Commons for some weeks before the Russell administration resigned and the Tories returned to power. The new government adopted substantially the same bill with one notable exception: a provision allowing the legislature of Vancouver Island not to concur with the union was dropped. The new bill passed through both houses of Parliament without debate; it received third reading in the Commons on 20 July, in the Lords on 30 July, and royal assent on 6 August. Its proclamation by Frederick Seymour on 19 November 1866 formally terminated the existence of the colony of Vancouver Island.

#### THE CONSTITUTIONAL DEVELOPMENT OF THE COLONY OF BRITISH COLUMBIA

The constitutional history of the colony of British Columbia, like that of Vancouver Island, can also be divided most conveniently into three distinct periods. The first, from 1858 to 1864, was one in which absolute power was vested temporarily in the governor, who ruled without benefit of any other established local authority. The second period, from 1864 to 1870, was marked by the establishment of a separate Executive Council and a single Legislative Council in which some members were popularly selected before being nominated by the governor. The final phase began with the achievement of representative government in 1870 and culminated with British Columbia's entry into the Canadian confederation in 1871.

The decision to establish the colony of British Columbia resulted directly from the rush of several thousand gold seekers to the Fraser River in the spring and summer of 1858. Efforts to establish a settled colony of British subjects on Vancouver Island had not succeeded in attracting large numbers of people there, but they had contributed to preserving the territory north of the 49th parallel to British commerce and influence. The Fraser River gold rush suddenly inundated the mainland with a polyglot collection of men, many of whom had participated in the California gold rush of 1849. From the British point of view, the rush presented both a threat and an opportunity. From nearby Vancouver Island, James Douglas

 $<sup>^{3\,8}\,\</sup>mathrm{Minute}$  by T. F. Elliot on Kennedy to Edward Cardwell, 4 May 1865, CO 305/25, p. 378.

<sup>&</sup>lt;sup>39</sup> Minute by Elliot on Kennedy to Cardwell, 1 March 1866, CO 305/28, pp. 182-85.

<sup>&</sup>lt;sup>40</sup> The British Columbia Act, 1866, is reprinted in Appendix E, pp. 401–02; for a draft of the bill originally introduced by Cardwell, see *Colonist and Chronicle*, 3 August 1866. See also minute by Blackwood on Speaker of House of Assembly to Cardwell, telegram, 20 June 1866, CO 305/28, pp. 477–76.

quickly issued proclamations declaring that all gold belonged to the crown and could be mined only under licenses issued at Victoria. Although he had no legal jurisdiction on the mainland, the Colonial Office gratefully approved his efforts as it began to consider how best to respond to this new situation.

In 1852, following reports of gold discoveries on the Queen Charlotte Islands, the Colonial Office had issued Douglas a commission as lieutenant governor of that territory, which authorized him to protect British rights there by issuing licenses to mine for gold, but it did not permit him to grant titles to land, enact legislation, or establish a government.<sup>41</sup> Had a major rush ensued, the home government undoubtedly would have had to consider the best means of establishing permanent jurisdiction there, whether by annexing the Queen Charlotte Islands to Vancouver Island, or organizing it as a separate territory to be administered from Victoria, or establishing it as a separate colony. When the Fraser River rush broke in the spring of 1858, the initial reaction of the Colonial Office was to issue Douglas yet another commission as lieutenant governor of the mainland, but as reports of the developing gold fever reached London in June—it took about two months for mails to pass between Victoria and London—Sir Edward Bulwer Lytton, the secretary of state for the colonies, decided instead to establish a separate colony on the mainland. (Meanwhile in Victoria, James Yates gave notice of a motion that would have petitioned the home government to annex the mainland to Vancouver Island.) On 1 July Lytton introduced a bill to provide for the temporary government of British Columbia, which was the name Queen Victoria chose for the new colony; on 16 July he wrote privately to Douglas offering him the governorship of British Columbia, in addition to that of Vancouver Island, on the condition that he sever all connections with the Hudson's Bay Company.<sup>42</sup>

The reasons why Lytton decided to establish a separate colony on the mainland rather than to extend the jurisdiction of Vancouver Island over the goldfields were never clearly articulated. Moreover, once the new colony was created, the Colonial Office almost immediately began laying plans to unify the two colonies under a single constitution. The explanation of this anomaly seems to lie in constitutional considerations. Lytton was an inveterate foe of the Hudson's Bay Company and was determined not to give any added advantage to the fur trade monopoly. Although there would have been practical difficulties in incorporating the mainland with Vancouver Island, where the Hudson's Bay Company held proprietary rights at least until 1859, the most important factor seems to have been Downing Street's reluctance to extend Vancouver Island's constitution to the mainland. Apart from the inherent problems of Victoria's bicameral legislation, of which the Colonial Office was fully aware, it was simply not prepared to extend the island's elected Assembly to the mainland with its large, transient population, so much of which had recently arrived from the United States. So the Colonial Office evidently thought it necessary for constitutional reasons to establish a separate colony, and that the appointment of one man as governor of both colonies would facilitate, or at least not hinder, their eventual amalgamation.

 $<sup>^{41}</sup>$  Sir John Pakington to Douglas, 27 September 1852, CO 410/1, pp. 22–23. The commission may be found in CO 381/77, pp. 144–46.

<sup>&</sup>lt;sup>42</sup> Minutes of Vancouver Island Assembly, 10 June 1858, II, 39; Lytton to Douglas, confidential, 16 July 1858, CO 410/1, pp. 139–44.

Notwithstanding the large numbers of indigenous Indians in British Columbia, the Colonial Office clearly regarded it as a settled rather than a ceded or occupied crown colony, and thereby entitled to representative institutions and self-government. Although the home government was anxious to establish popular institutions as soon as practical, Lytton decided to withhold them temporarily until "by the growth of a fixed population the materials for those Institutions shall be shown to exist."43 The act to provide for the government of British Columbia received royal assent on 2 August 1858. One clause defined the boundaries of the colony, which extended only as far north as the Finlay and Nass Rivers; another clause underscored the temporary nature of the act by limiting its life until the end of December 1862 or "thenceforth to the end of the then next session of Parliament."44 Still another clause enabled the crown to establish a government in the colony, consisting of either a unicameral or bicameral legislature. Subsequently, on the basis of this authority, an Order in Council, dated 2 September 1858, confirmed on the governor absolute power to legislate and provide for the administration of justice by issuing proclamations having the force of law and subject only to the approval of Parliament. "These powers are indeed of very serious and unusual extent," Lytton warned Douglas in a despatch accompanying the Order in Council. "You are aware that they have only been granted in so unusual a form on account of the very unusual circumstances which have called into being the Colony committed to your charge, and which may for some time continue to characterize it. To use them except for the most necessary purposes, would be in truth to abuse them greatly." Two weeks later Lytton impressed upon Douglas the necessity "to write me fully by each Mail as Her Majesty's Government wish to know everything that passes of importance in British Columbia."45 Given the existing state of communications, the home government had little choice but to grant Douglas large amounts of discretionary power. Despite Lytton's pleas, he could not possibly have responded adequately to the rapidly changing events in British Columbia, and the Colonial Office was fortunate indeed to have a man of Douglas' background and temperament to safeguard British interests in the area. For the next five years Douglas sought diligently to exercise his unusual powers, faithfully transmitting despatches to London in an effort to explain and defend his actions and keep his superiors abreast of developments in the colony.

With the arrival of Matthew Baillie Begbie and Richard Clement Moody in late 1858, Douglas decided to implement a suggestion made earlier by Lytton of forming an informal council of advice to assist him in his duties. In February 1859 he informed Lytton he had asked the two men to serve as members and that, although he had not yet formally appointed them, "we have already met upon several occasions to confer upon the policy to be pursued, and upon various measures to be adopted in connection with the future Government of the Colony." The Colonial Office approved these appointments "as a mere voluntary Committee of advice" and offered to formalize them "whenever you consider that the time has

<sup>&</sup>lt;sup>43</sup> Lytton to Douglas, No. 6, 31 July 1858, CO 410/1, pp. 147-57.

<sup>&</sup>lt;sup>44</sup> Section VII, An Act to Provide for the Government of British Columbia, 21 & 22 Victoria, c. 99.

<sup>&</sup>lt;sup>45</sup> Lytton to Douglas, No. 16, 2 September 1858, CO 398/1, pp. 73–87; Lytton to Douglas, No. 20, 16 September 1858, CO 398/1, pp. 93–99.

arrived for the formation of a regular Executive Council."<sup>46</sup> What happened next is unclear from the available records. On 1 March, before he received the Colonial Office's reply, Douglas provisionally appointed Moody and Begbie to the "Council" of British Columbia and swore them in,<sup>47</sup> but it is unlikely that this body ever reconvened. Douglas himself never seems to have referred to it again. He evidently decided to let the matter drop, perhaps because of a deteriorating relationship with Moody. He did later request the establishment of an Executive Council for Vancouver Island, but he appears never again to have sensed the need for a similar body in British Columbia. The establishment of an Executive Council in New Westminster, therefore, had to await the arrival of Frederick Seymour, who succeeded Douglas as governor in April 1864.

In September 1861, Douglas relayed reports to London of gold strikes along the Stikine River, well to the north of the existing boundaries of the colony. When these reports were confirmed early in 1862, the British cabinet responded with an Order in Council organizing British territory north to the 62nd parallel and east to the 125th meridian as the "Stekin Territory," and authorizing its administration by the governor of British Columbia for the time being. When a short-lived rush failed to discover gold in paying quantity, Parliament in 1863 quietly passed an act extending the boundaries of British Columbia to their present limits of the 60th parallel and the 120th meridian, thereby incorporating most of the former Stikine Territory into British Columbia. The same act also extended the life of the government of British Columbia until 31 December 1863<sup>48</sup> to give the secretary of state more time to consider the precise form of government to establish on the mainland.

There was opposition to Douglas' rule in British Columbia almost from its inception, especially by a group of reform-minded residents of New Westminster, many of whom had recently emigrated from Canada West (Ontario) or the Maritimes and were accustomed to more liberal institutions. Their dissenting voices were increasingly raised against Douglas' autocratic powers, his nonresidence in British Columbia, and his economic policies that tended to benefit Victoria at the expense of the lower mainland. Led by John Robson, they mounted a vigourous campaign calculated to win representative institutions, replace Douglas with a governor unconnected to Vancouver Island, and institute policies that would benefit New Westminster instead of Victoria. After directing a series of petitions to the imperial authorities, the last of which called for responsible government, they sent Malcolm Cameron, a visiting Canadian politician, to London in September 1862 to lay their grievances before the home government. Neither Douglas nor the Colonial Office showed any great alacrity to respond to these demands. In the summer of 1860. Douglas incorporated the city of New Westminster with an elected municipal council, a move that Downing Street thought creative and calculated to provide an "excellent preparation for a future general Assembly." After the last

<sup>&</sup>lt;sup>46</sup> Douglas to Lytton, No. 94, 5 February 1859, CO 60/4, 133–34; Carnarvon to Douglas, No. 46, 11 April 1859, CO 398/1, pp. 260–61.

<sup>47</sup> See illustrations, IV, xi, xii.

<sup>&</sup>lt;sup>48</sup> Order in Council, CO 381/18, pp. 81–92; An Act to Define the Boundaries of the Colony of British Columbia, and to Continue an Act to Provide for the Government of the Said Colony, 26 & 27 Victoria, c. 83.

<sup>&</sup>lt;sup>49</sup> Minute by Elliot on Douglas to Newcastle, 22 April 1861, CO 60/10, p. 190.

petition in July 1862, a copy of which was also circulated to opposition members of Parliament, Douglas conceded that the colony had developed to the point that some form of popular institutions was becoming a political necessity. The colony's needs might best be served, he suggested, by a "simple form of Government," and although no great friend of representative institutions, he recommended the establishment of a unicameral legislature of fifteen members, five of whom would be appointed by the governor and the remainder elected by the people.<sup>50</sup>

The Colonial Office was not surprised by the growing clamour for political reform on the mainland, but it had not anticipated the extent to which Douglas' policies and leadership would drive the two colonies apart. It was also becoming increasingly concerned about the soaring public debt that attended his single-minded efforts to push roads through to the goldfields. The Duke of Newcastle, who became secretary of state in 1859, had hoped to unite the colonies before it became necessary to erect a permanent government in British Columbia, but so great was the local rivalry that he reluctantly concluded in early 1863 that it would be "almost as hopeless to attempt to amalgamate the two as it would be to rejoin the Confederate with the Federal States."51 Instead, he decided to terminate the executive union by relieving Douglas of both governments and to constitute in British Columbia a unicameral legislature in such a way as to permit some element of representation and at the same time impose no obstacles to the future union of the two colonies. In searching for models for such a constitution, officials in the Colonial Office suggested, among others, either that of Newfoundland or the crown colony of Ceylon.<sup>52</sup> After deliberate consideration, Newcastle opted for a unicameral Legislative Council of fifteen members, of which five would be elected initially and more as the population developed. Undersecretary Frederic Rogers, the Colonial Office's legal expert, advised that the purely elective feature be set aside in favour of the practice in Ceylon and most other crown colonies of having all members, even the unofficial or elected representatives, nominated by the Crown. It was an important technical distinction and one that was not always grasped by people at the time—or since. By employing the device of a crown council, Rogers argued, the crown could retain complete legal control over the legislature, and yet permit an element of representation by having the governor appoint a number of representatives who enjoyed the confidence of the electorate. This arrangement would not only offer an effective safeguard against undue American influence but also provide greater flexibility to respond to the rapidly changing needs of the various mining communities. Newcastle was not nearly as concerned as Rogers about the dangers of direct elections, but he nevertheless agreed to his recommendation. Newcastle's authorization of the necessary instruments set the stage for the second phase of the colony's constitutional development; it also had the effect of delaying the introduction of representative government in British Columbia until almost the end of the colonial period.<sup>53</sup>

Douglas to Newcastle, No. 33, 28 July 1862, CO 60/13, 332–38.
 Newcastle memorandum, 27 March 1863, CO 60/17, pp. 176–93.

<sup>&</sup>lt;sup>52</sup> Newcastle to Douglas, private, 16 March 1863, Newcastle Papers, Referring to Canada, Public Archives of Canada, mf.; minutes by Blackwood on Douglas to Newcastle, No. 33, 28 July 1862, CO 60/13, pp. 338–43.

 $<sup>^{5\,3}</sup>$  Minutes by Rogers and Newcastle, Newcastle memorandum, 27 March 1863, CO 60/17, pp. 191–93.

The Order in Council authorizing the establishment of a Legislative Council of fifteen members (reprinted in Minutes, IV, 182-84) was passed on 11 June and forwarded to Douglas with instructions for its implementation on 15 June 1863. After asking Douglas to issue a proclamation permanently securing a civil list, he outlined in general terms the necessity of selecting not less than one third of the members to represent the interests and needs of the local communities. "By what exact process this quasi-representation shall be accomplished, whether by ascertaining informally the sense of the residents in each locality, or by bringing the question before different Public Meetings, or (as is done in Ceylon) by accepting the nominee of any Corporate Body or Society, I leave you to determine. I also leave it [to] you to determine the period for which (subject to Her Majesty's pleasure, which involves a practical power of dissolution) the Councillors should be appointed. What I desire is this; that a system of virtual though imperfect representation shall be at once introduced which shall enable Her Majesty's Government to ascertain with some certainty, the character, wants, and disposition of the community with a view to the more formal and complete Establishment of a Representative System as circumstances shall admit of it."54

In sharp contrast to the storm that erupted over the civil list in the Vancouver Island Assembly, Douglas had only to issue a proclamation in British Columbia to accomplish the same end. In July 1863 the Colonial Office issued supplemental instructions to him, appointing the five principal executive officers to the Legislative Council, and in September he divided the colony into five districts and instructed gold commissioners to invite the residents in each "to select a person of good character and approved loyalty" to represent them in the legislature. He then appointed these men, plus five magistrates, members of the Legislative Council, during Her Majesty's pleasure, "until the 31st day of December, A.D. 1864, and no longer."55 The first Legislative Council convened on 21 January 1864 and had almost concluded its deliberations when Seymour arrived on 20 April. Three days later, in accordance with his commission and instructions, Seymour swore in the Executive Council, and British Columbia's new constitution was complete.

The role of the Executive Council was essentially the same as that of its counterpart on Vancouver Island. It tendered advice to the governor on a wide range of administrative, legislative, and judicial matters and became a convenient venue for the governor to discuss problems, formulate policy, and review administrative practices. Its membership consisted of the principal heads of government departments, namely the colonial secretary, attorney general, treasurer, chief commissioner of lands and works, and the collector of customs, in that order of precedence. Its advice on administrative matters ranged from the appointment and conduct of public officials to the acceptance of government contracts and approval of timber and mineral leases. Because the initiation of money bills in British Columbia was secured to the government, it played a significant role in reviewing legislation, especially the annual estimates, before their introduction in the Legislative Council. Following the union of the colonies, Seymour decided to eliminate

<sup>54</sup> Newcastle to Douglas, 15 June 1863, CO 398/2, pp. 139-48.

<sup>&</sup>lt;sup>55</sup> Proclamation No. 12, 24 September 1863, B.C. Government Gazette, 19 December 1863; supplementary instructions, 31 July 1863; *ibid*, 16 January 1864; Young to Chartres Brew and others, circular, 16 September 1863, B.C., Colonial Secretary, Letterbook, Correspondence Outward, 1862–63, pp. 277–78, PABC; Gazette, 16 January 1864.

the office of treasurer, so supplementary instructions were issued to him substituting in its place the office of police magistrate of New Westminster and permitting the appointment of up to two unofficial popularly selected members of the Legislative Council. Seymour himself never appointed any unofficial members, but Anthony Musgrave availed himself of the opportunity and appointed John S. Helmcken and Robert W. W. Carrall to become members of the Executive Council. It was this enlarged body that drafted the terms of confederation that Musgrave then placed before the Legislative Council for final approval.

The precise nature of the Legislative Council eluded for a time both Seymour and his attorney general, Henry P. P. Crease. Arriving near the end of the legislature's first session, Seymour naturally felt some diffidence about assenting to legislation about which he had but limited knowledge and experience, especially when it entailed the spending of substantial sums of money. That October he "dissolved" the Legislative Council and appointed a second one, which sat from 12 December 1864 to 11 April 1865. When the Colonial Office learned what had happened, Secretary of State Edward Cardwell wrote back to explain that he could not legally do this; that each member appointed by Douglas held his seat at the pleasure of the crown; that their appointments ran until the end of 1864; and that the Legislative Council was "not technically a representative body, but a mere Crown Council to which the expedient of dissolution is not naturally applicable." All enactments of the new Legislative Council, therefore, were also illegal. To remedy this situation, Cardwell advised Seymour to reappoint the various members and then enact an ordinance confirming all sections taken by the legislature before the reappointments.<sup>56</sup> By the time Seymour received this information, he had already prorogued the legislature, and many of its members had dispersed throughout the colony. Pleading ignorance of the workings of a crown colony's constitution, he replied rather lamely that he was only trying to prepare the colony for representative institutions. He also submitted a lengthy defense of British Columbia's position as outlined by Crease, which served only to exasperate Colonial Office officials, who showed little sympathy for the "obstinacy" of an attorney general and governor who "will not own themselves wrong, and go on arguing the case; confusing . . . arguments of expediency with arguments of law." In the end, Cardwell again advised Seymour he would have to reappoint the legislature at "some convenient opportunity" and have it pass a law validating the actions of the previous session.<sup>57</sup> At that point, Seymour returned to England on leave, so it fell to Colonial Secretary Arthur N. Birch to issue a proclamation convening the third session of the Legislative Council on 18 January 1866, at which time the members assembled and were sworn in. On the same day the Executive Council, in reviewing the entire matter, questioned the legality of Birch's proclamation, which had not nominated the members by name. To remove all doubt, another public notice was issued that formally named the various members of the Legislative Council, whose members were then sworn in a second time on 22 January. This

<sup>56</sup> Minutes of the Legislative Council, IV, 247; Cardwell to Seymour, 3 March 1865, CO 398/2, pp. 299–302. See also Seymour to Newcastle, 1 June 1864, CO 60/18, pp. 311–15.

<sup>&</sup>lt;sup>57</sup> Seymour to Cardwell, confidential, 12 June 1865, enclosing Crease to Seymour, Secret, 7 June 1865, and ff. minutes, CO 60/22, pp. 107–25; Cardwell to Seymour, separate, 7 October 1865, CO 398/2, pp. 365–73.

comedy of errors was finally brought to a close the following day, when the Standing Orders were suspended so that a bill confirming the actions of the previous session could be given three readings in succession and forwarded to Birch, as the officer administering the government, for his assent.<sup>58</sup>

The union of the colonies in 1866 altered the size of the Legislative Council but otherwise had no effect on the constitution of British Columbia. The fourth clause of the British Columbia Act, 1866, stated, "On the Union taking effect, the Form of Government existing in Vancouver Island as a separate Colony shall cease, and the Power and Authority of the Executive Government and of the legislature existing in British Columbia shall extend to and over Vancouver Island." The same clause also increased the maximum number of councillors from fifteen to twenty-three.<sup>59</sup> Even though Seymour, like Kennedy, had been instructed "to use all means in his power" to effect a union of the two colonies, 60 he quickly discovered that it was good politics not to oppose the heady, anti-Victoria sentiments of the mainland. Two weeks after his arrival, the Legislative Council unanimously rejected any form of union with Vancouver Island, and he forwarded the resolution to London with his "strong opinion" that it would be "simply impossible" to govern the vast territory of British Columbia from Victoria.<sup>61</sup> Only after the terms of union had been settled in London to British Columbia's advantage did he publicly alter his position and support the amalgamation. His anti-island bias was perhaps evident in his selection of only two of nine magistrates and four of nine popularly selected representatives from Vancouver Island to the first session of the enlarged legislature of the united colony. Nevertheless, such disparity of numbers did not prevent the islanders from obtaining sufficient support of members from the interior to pass a resolution in March 1867, by a vote of thirteen to eight, urging the removal of the capital from New Westminster to Victoria. This vote made it even more difficult for him to retain the capital at New Westminster. The Colonial Office was fully prepared to let him make the decision but urged him to do it quickly. After placing a similar resolution before the legislature the following year, which passed by a vote of fourteen to five, he finally accepted the consequences of his own indecision and officially proclaimed Victoria the capital as of 25 May 1868.62

The sixth session of the Legislative Council, 17 December 1868 to 15 March 1869, was the first to sit in Victoria, convening in the legislative hall formerly occupied by the Vancouver Island Assembly. Seymour used the occasion to enlarge the representative element by appointing to the magisterial seats three members not in any way connected with the government, in this manner giving the popularly selected representatives a simple majority over the official members for the first time. In his opening remarks to the legislature, he suggested a modification of even greater consequence when he stated, "One change appears to me perfectly

<sup>&</sup>lt;sup>58</sup> Proclamation, 9 December 1865, IV, 329; minutes of Executive Council, 18 and 19 January 1866, IV, 48; minutes of Legislative Council, 22 and 23 January 1866, IV, 333, 337.

<sup>&</sup>lt;sup>59</sup> The act is reprinted in V, 5.

<sup>&</sup>lt;sup>60</sup> Seymour, Message No. 37, minutes of Legislative Council, V, 89.

<sup>61</sup> Seymour to Newcastle, 1 June 1864, CO 60/18, pp. 311–15.

<sup>&</sup>lt;sup>62</sup> Minutes of Legislative Council, 29 March 1867 and 28 April 1868, V, 92–93, 122–24; Seymour, Message No. 16, minutes of Legislative Council, V, 152.

simple and unobjectionable, and that is, under our present restricted Constitution, to allow the people to elect their representatives, without having to obtain the concurrence of the Governor in their choice." This proposal elicited considerable interest, especially on the part of the popularly selected members, who were eager to gain representative government, but in the end their efforts came to naught when the Colonial Office pointed out that the Legislative Council, being a crown council, did not have the legal authority to change its own constitution; that only colonies with representative institutions in which at least one half of the members were elected directly by the voters were competent to do this. It is possible that Seymour might have proceeded on the basis of this information to request an act of Parliament to amend British Columbia's constitution and grant representative government, but before he was able to consider the matter further, he died suddenly in June 1869 while returning from a visit to the northern coast.

The sixth session also witnessed the unlikely spectacle of the governor refusing to accept a colonial secretary appointed from London, Philip J. Hankin, so that his own acting appointee, W. A. G. Young, could continue to preside over the legislature. This curious episode began when Seymour appointed Young to replace Birch who returned to England in 1867. Seymour thought Young the only man capable enough and experienced enough to manage the affairs of the legislature, but he did not wish to confirm him in this position because he thought him too prominently identified with the interests of Victoria. The secretary of state therefore confirmed Philip J. Hankin to the office and sent him out to Victoria. When Seymour heard this, he appealed to London to withdraw the appointment, declaring Young's services absolutely indispensable. When Hankin arrived, just after the session had nicely begun, Seymour refused to accept his credentials, even after being informed by the Colonial Office that Hankin could not be recalled. Only after the session had ended, more than two months later, did Seymour finally permit Hankin to replace Young.<sup>65</sup>

Anthony Musgrave, Seymour's successor, was especially selected with a view to securing British Columbia's entrance into the Canadian federation. As early as 1867, when the British North America Act was still before the Imperial Parliament, the Legislative Council passed a resolution requesting Seymour to take steps to ensure British Columbia's entry into confederation on fair and equitable terms. This position was reaffirmed in 1868, but by 1869 the official members, who feared for their jobs, succeeded in reversing this position. Seymour himself was largely indifferent to the matter, feeling that it was not of practical concern as long as the intervening territory was held by the Hudson's Bay Company. This situation changed abruptly in 1869, when the Hudson's Bay Company agreed to surrender its lands to the Canadian government, and Gladstone's Liberal party won control of the home government and embarked on a plan to encourage the consolidation of

<sup>&</sup>lt;sup>63</sup> Seymour to the Duke of Buckingham, No. 130, 12 December 1868, CO 60/33, pp. 629-634. Minutes of Legislative Council, 17 December 1868, V, 173.

<sup>64</sup> Granville to Seymour, 5 March 1869, CO 398/5, pp. 247-51.

<sup>&</sup>lt;sup>65</sup> For a more complete discussion of the Hankin affair, see Robert Louis Smith, "The Hankin Appointment, 1868," *BC Studies*, No. 22 (Summer 1974), pp. 26–39.

all British territory in North America. In August 1869, Lord Granville, the new secretary of state for the colonies, outlined his government's views, which he instructed Musgrave both to publish and support.<sup>66</sup>

The confederation issue contributed directly to the establishment of representative government in British Columbia. Making it clear that the home government would not force anything on the colony against its wishes, Musgrave embarked upon a course of action designed to achieve his goal. To win the support of his government officials, he pledged to safeguard their interests by securing adequate pensions and blocking the introduction of responsible government at least until after confederation was effected. He also appointed two of the most respected popularly selected members of the legislature to seats in the Executive Council, Helmcken, who opposed the idea, and Robert W. W. Carrall, who ardently supported it. He then had the Executive Council draft a set of terms that they thought would be required to make confederation acceptable. In placing the terms before the Legislative Council, he explained that the only way to ascertain "whether Canada will agree to such arrangements as will suit us, is to propose such as we would be ready to accept." He further promised that he would present any terms agreed to by the Canadian government for final ratification by a reconstituted legislature in which the majority of its members would be elected directly by the people. A week later he requested the home government formally to amend the colony's constitution to permit a legislature of fifteen members, of whom six would be appointed and nine "formally & legally elected" by the people.<sup>67</sup>

After lengthly debate, the Legislative Council accepted the confederation terms and a three-man delegation was sent to Ottawa to present British Columbia's terms to the Canadian government. Meanwhile the Imperial Parliament passed the British Columbia Government Act, 1870, and an accompanying Order in Council (see Volume V, 360–363), which replaced the existing Legislative Council with one based on elective principles, thereby inaugurating representative government in British Columbia.

The final stage of British Columbia's constitutional development began when Musgrave established electoral districts throughout the colony and issued writs for the first general election, which took place in November 1870.<sup>68</sup> The new Legislative Council that assembled on 5 January 1871, though similar in form to previous legislatures, was fundamentally different in substance. Although six members were appointed by the governor at the pleasure of the crown, the remaining nine members were elected for terms of four years, subject only to the dissolution or prorogation of the legislature by the governor. Because it was now legally a representative body, its first order of business was to elect its own speaker, who presided over its sessions and could vote only in case of a tie. The right to initiate all money bills remained with the governor, but for the first time the legislature was legally

67 Minutes of the Legislative Council, 15 February 1870, V, 272; Musgrave to Granville, No. 20, 23 February 1870, CO 60/38, pp. 179–189.

68 Musgrave, Proclamation, 13 October 1870, V, 364-70.

<sup>&</sup>lt;sup>66</sup> Minutes of the Legislative Council, 18 March 1867, 24 April 1868, and 17 February 1869, V, 73, 145, 226; Earl Granville to Musgrave, 14 August 1869, CO 398/5, pp. 320–27. See also Susan Dickinson Scott, "The Attitude of the Colonial Governors and Officials towards Confederation," *British Columbia & Confederation*, W. George Shelton, ed. (Victoria, University of Victoria, 1967), pp. 143–64.

competent to amend its own constitution. By ratifying the terms of confederation, the eighth session of the Legislative Council effectively terminated its own life, and in so doing it profoundly affected the destiny of the colony and each of its inhabitants.

Confederation was the most important issue considered by the new, representative Legislative Council. In his opening speech, Musgrave referred to the widespread and growing desire for responsible government and pointed out that while confederation itself would not make the executive branch of the government responsible to the legislature, the Canadian government had expressly agreed, upon confederation, to introduce responsible government whenever so requested by the people of British Columbia. He also promised that once the confederation terms were accepted by the Legislative Council, he would introduce a bill to expand the number of elected representatives and exclude all official members, thus enabling the introduction of responsible government in the first Legislative Assembly of the province of British Columbia. On 12 January the legislature passed a resolution calling on the governor to introduce such a bill; on 20 January it ratified, by unanimous vote, an address to the Queen embodying the confederation terms without modification; and on 31 January, Musgrave sent down a bill to make the next legislature composed entirely of elected representatives so that responsible government could begin during the first sitting of the legislature subsequent to the union of the colony with Canada. Formally entitled The Constitution Act, 1871, the bill was given third reading on 7 February and received Musgrave's consent six days later. The confederation terms were then formally approved by the Canadian House of Commons on 1 April, and on 16 May the British government issued an Order in Council admitting British Columbia into the Canadian federation as of 20 July 1871. On that day, under the terms of section 146 of the British North America Act, British Columbia shed its colonial status and took its place among the provinces of the Dominion of Canada.

#### EDITORIAL POLICY

The decision to publish the journals of the colonial legislatures in the format that follows was not taken easily or suddenly but was part of a complex process that developed over a period of time. As previously stated, the decision stemmed from an incidental query by the writer during research in the Provincial Archives of British Columbia for the second volume of the minutes of the Council of Vancouver Island, which the archivists were unable to locate. Some time later the writer obtained a copy of the missing volume from the Public Record Office in London, only to discover that a portion of the minutes was missing even from the Public Record Office's files. In subsequent conversations with the provincial archivist, the writer and he agreed that the official minutes of the colonial period really should be available in printed form, that the Provincial Archives would be the most appropriate agency to undertake such a publication, and that the writer would prepare a transcript and perform other necessary editorial functions.

The initial intention was to publish only the journals of the legislature of the colony of Vancouver Island, but as the project began to take shape, the journals of the Executive Council of Vancouver Island were also included and eventually the comparable records from the colony of British Columbia. A careful examina-

tion of the two slim volumes of Vancouver Island minutes published as Memoirs in 1918 indicated that it would be more appropriate to republish this material than simply to continue in the format of that series. For one reason, it seemed more appropriate to group minutes of the Council or individual sessions of the Assembly as complete units rather than interrupting them wherever the original minute book began or ended. The next major decision was to include in the journals the minutes of the Executive Council, in part because of the important nature of the minutes themselves, and in part because the Executive Council represented the continuation of one of the functions of the Council before its reconstitution as a purely legislative body.

Because of the intrinsic nature of the journals themselves, the basic editorial policy arrived at was to edit the material as lightly as possible and present it in a format that would render the content as intelligible as possible. Except for the journals of the Legislative Council of British Columbia, which were printed officially at the time, the minute books as originally written stand as the official records of the colonial period. From the material officially printed, it is difficult to discern any body of editorial practices deliberately formulated and consistently applied. Rather than attempting either to impose editorial practices presently utilized in the reporting of legislative proceedings or to fabricate a style that might have been appropriate to the nineteenth century, the journals that follow attempt to reproduce a very close approximation of the original records, even to the extent of duplicating irregularities of spelling, nomenclature, grammar, and capitalization. Users of these journals who find such irregularities irksome and inhibiting and who feel greater editorial discretion is required to assist the reader are, of course, free to exercise their own editorial judgments in ways that are appropriate to their purposes; but except in rare instances where specialists may think it necessary to re-examine the original manuscript, it is hoped that the text here presented will serve as an accurate and reliable guide to the minutes as originally written and formally approved.

In the course of transcribing the minutes from the original manuscripts, a number of arbitrary judgments were necessarily made in keeping with the overall objective of altering the text as little as possible. In the first place it was decided to begin all sentences with a capital letter and close them with a period, and to apply the same rule to sentence fragments whenever the sense of the meaning seemed to justify it. Original spelling, capitalization, and punctuation were retained throughout, except in rare instances when it was apparent that the clerk had made an obvious error—that is, an error that he himself did not intend and would have likely noted and corrected upon re-reading the sentence. Throughout the journals the use of "sic" is avoided. Obvious errors have been silently corrected; when errors are not obvious, they have been corrected by use of brackets. Names that were misspelled have been corrected only when first used, again with brackets. In cases when it is difficult to determine whether capital or lower case letters were intended, modern usage has been adopted. Particular problems were encountered with interpreting punctuation, especially the use of dashes and semicolons or the employment of commas for periods. When the original's meaning and intent were unclear, modern practice was preferred. Clerks generally were not at all consistent in placing punctuation inside or outside of quotation marks, and their practices were duplicated with doubtful cases being resolved in conformity with the most generally accepted modern usage of placing commas and periods within quotation marks and colons and semicolons without. Missing quotation marks were silently corrected when meaning was clear and corrected in brackets when it was not. Abbreviations also proved troublesome on occasion. As a rule, superior letters were reduced to inferior status, and the abbreviated word was followed by a period. But in some cases when meaning might thus be unclear, the first time such a word was used in a session it has been written in full and the missing letters supplied in italics.

Some of the most difficult problems arose with respect to paragraphing and format and the need to provide a visual consistency that was frequently lacking or only hinted at in the original manuscripts. After some experimentation, the model finally selected for this purpose was the printed minutes of the Legislative Council of British Columbia, which featured an inverse form of indentation that readily lent itself to grouping paragraphs and subparagraphs around a common theme. Moreover, this was the format adopted by officials of that era for a similar purpose. In keeping with this format, the date of each day's minutes has been standardized and set in bold face type, and the listing of members present has also been presented in a consistent form. For the same reason, letters, resolutions, petitions, protests, messages, addresses, and other external materials introduced into the minutes have been indented and set in packed or smaller type, in accordance with the practice of the printed journals of British Columbia.

It was only after the journals of Vancouver Island had been substantially completed that the decision was made to augment them by publishing also the journals of the Executive Council of British Columbia and reprinting the journals of its Legislative Council. Apart from the silent correction of typographical mistakes, these latter journals have been reprinted as they were originally edited. During the course of the colonial period, the printed journals of the Legislative Council of British Columbia began to include the annual estimates and other material properly designated as sessional papers. The annual estimates for British Columbia have been reprinted and the ones from Vancouver Island partially reconstructed from available records, but no effort has been made to reproduce here the complete sessional papers for both colonies, which is a task that still needs to be done. Similarly, a schedule of bills in progress was compiled from the minutes of the Assembly, Council, and Legislative Council of Vancouver Island to parallel that reprinted from the journals of the Legislative Council of British Columbia.

These journals are the last major project to be typeset by the hot metal process by the Queen's Printer of British Columbia before switching over to photocomposition. For the past several years the press has had to function under most trying conditions that have necessarily complicated the processes of production of a project of this magnitude and duration. Because of legislative priorities and other demands, there has rarely been sufficient metal to set type for more than a portion of each volume, so each volume has been proofread and printed in stages so the metal could be remelted and the next portion set in type. This state of affairs meant, for example, that the indexes had to be prepared, for the most part, after the volumes had already been printed. Beyond these technical limitations, the style

adopted for this project represented such a marked change from that customarily employed by the press, that the Provincial Archives and the editor shared to an unusual degree many of the technical aspects of production—from the complex copy-editing process to the selection of acid free paper and binding.

The task of editing these journals proved more complicated than initially expected, but their publication has at last brought together under one format the entire proceedings of the governments of both colonies and made them available for reference purposes. It has also served to bring these journals under detailed scrutiny, perhaps for the first time, with a view to ascertaining the precise nature of the institutions that were established, of their relationship to each other, and of the manner in which they changed and developed through time. For this reason if no other, we trust that the users of these volumes will find them of value in reconstructing the nature and sequence of the evolution of parliamentary institutions in this part of the world.



# **JOURNALS**

OF THE

# **COUNCIL**

OF THE COLONY OF

# VANCOUVER ISLAND

30 AUGUST 1851 to 27 FEBRUARY 1863



# MEMBERS OF THE COUNCIL OF VANCOUVER ISLAND 1851–1863

Councillors	First Sitting		Last Sitting	
Richard Blanshard (Governor)	30 Aug.	1851	30 Aug.	1851
James Douglas(Senior Member)(Governor)	30 Aug.	1851	6 Feb. 30 Aug. 6 Feb.	1851
John Tod(Senior Member)			17 Feb. 17 Feb.	
James Cooper	30 Aug.	1851	9 June	1856
Roderick Finlayson(Senior Member)			27 Feb. 27 Feb.	
John Work	7 Apr.	1853	19 Dec.	1861*
Donald Fraser	15 Nov.	1858	25 Mar.	1862
David Cameron, C.J.	6 July	1859	27 Feb.	1863
Alfred John Langley	6 Feb.	1861	9 Apr.	1861*
Edward Graham Alston (Registrar General)	? Dec.	1861*	26 Feb.	1863
Alexander Watson (Treasurer)	16 May	1862	27 Feb.	1863

<sup>\*</sup> In the absence of minutes from February 1861 to February 1862, precise dates cannot be determined. John Work died on 22 December 1861; by 3 January 1862 the *Colonist* and *Press* were commenting on Alston's appointment. Douglas granted Langley leave of absence from the Council on 9 April 1861 (Certificate of Leave, Add. MSS. 180, Vol. 1/7, PABC).



# MINUTES OF THE COUNCIL OF THE COLONY OF VANCOUVER ISLAND

#### Saturday, the 30th day of August, 1851

BE IT REMEMBERED, that on this 30 day of August, in the year of Our Lord one thousand eight hundred and fifty one, at a council held at Victoria in Vancouvers Island by Richard Blanshard Esquire Governor of the said Island, the following members having been provisionally appointed by an instrument in the name of Her Majesty Queen Victoria, and sealed with the public seal of the colony of Vancouvers Island, and the oath of allegiance having been duly administered to them took their seats in Council.

James Douglas, Senior Member, John Todd [Tod], James Cooper.

The said members constituting a quorum, having taken their seats.

- The Governor, announced his having resigned the office of governor of the colony, and till the arrival of a fresh commission the senior member of council would fill the place according to the instructions of which a printed copy were laid on the Table.
- The said Members of Council have hereupon resolved that they will meet at such times and in such places, as may be hereafter appointed for the consideration of public affairs, this 30th Aug. 1851.

# Wednesday, the 28th day of April, 1852

- Minutes of a Council held at Fort Victoria in Vancouver's Island, by James Douglas Esqr. Governor of the said Island, this 28th day of April 1852.
- The following Members being present, John Tod, James Cooper, Rodk. Finlayson.

  The Said Members Constituting a quorum—having taken their seats.
- The Governor produced and read a letter, addressed to him by James Cooper proposing to Nominate E. Langford Esqr. to discharge the duties of the Said James Cooper as Councillor by proxy, during his temporary absence from the Colony. The Governor remarked on the subject of that Communication, that his instructions from the Crown gives him no Authority to admit such Nominations. The Appointment of Councillors is vested in the Crown, and the duties of the Office must be discharged by the Member in person. The Governor then proceeded to read over the 4th 5th 6th 7th and 8th paragraphs of Her Majesty's Instructions, prescribing the Manner of Appointment the privileges and duties attached to the Office of Member of Council. And this Minute of that Communication is made in compliance with Her Majesty's royal pleasure as signified in the 8th paragraph of the Governor's Instructions.
- 2 The Governor, then submitted for instruction the account of Supplies made by the Hudson's Bay Company for Colonial purposes, which were found Correct

- and approved, except in the instance of the surveyor's Salary, Amounting to £372.12/. which James Cooper objected to as a Colonial Charge; but approved of its being defrayed out of the proceeds arising from Sales of land.
- 3. A proposal was next made for revising the law regulating the importation and Sale of Spirits in the Colony, but not Considered expedient as the existing law appears free from any material defect.
- 4th The Governor next proposed that a law should be passed adapted to the Circumstances of the Colony, regulating the relations of employer and Servant and for punishing offences, such as insolent language, neglect of duty, and absence without leave, of the employer by summary infliction of fine or imprisonment. The measure Considered highly important and necessary, deferred for Consideration.
- A plan was next submitted by the Governor for the Consideration of Council for raising a permanent Revenue by imposing a duty of five per Cent. on all imports of British and foreign goods. It was objected to that measure that it would prove a bar to the progress of Settlement: impose a heavy burden upon settlers from England importing implements and furniture and that in the present State of the Colony there not being above twenty Settlers on the whole Island, the Sum arising from the duty would not much exceed the expense of the Officers Necessary for its collection. An act to be prepared and taken into consideration hereafter.
- The Council was then Adjourned until 2. O'Clock in the Afternoon of Friday the 30th Inst.

## Friday, the 30th day of April, 1852

- The Council again met this morning, the Governor, and the following Members being present vizt. John Tod, James Cooper, Roderick Finlayson.
- It not appearing expedient to the Council, to impose any Customs Duties on Imports, in the present state of the Colony, the measure was postponed for further consideration.

No other business entered upon at this meeting and the Council adjourned.

## Tuesday, the 5th day of October, 1852

The Council met this day, at the hour of ten in the morning, for the transaction of business, and the Governor and the following Members were present vizt. James Cooper, Roderick Finlayson.

The Councillors present being insufficient to form a quorum in consequence of the absence of Mr. Tod.

The Council adjourned until 10 O'clock on Wednesday the 6th Inst.

#### Wednesday, the 6th day of October, 1852

The Council met this morning at the hour of ten, the Governor and the same members, with the addition of Mr. Tod, being present, as yesterday.

The Act regulating the importation and sale of spirituous liquors, on Vancouvers Island, containing some passages, which have given rise to questions as to its real meaning. It was proposed by the Governor, that the first, second and third clauses should be altered and amended, so as to render, the meaning and intent of the Act, plain and clear. Agreed that such alterations shall be made and submitted for the consideration of Council.

Moved by the Governor that only two classes of licences for the sale of Spirituous Liquors shall be granted on Vancouvers Island vizt. Whole sale Licences and Retail Licences.

That a whole sale Licence shall be construed to mean the sale of Spirits by the Cask or Case as imported. And that a retail licence shall authorize the sale of smaller quantities of Spirits for reasonable refreshment, to be consumed on the premises.

That we consider it derogatory to the character of a Member of Council to be a retail dealer in spirituous Liquors, or to follow any calling that may endanger the peace or be injurious to public morals.

The Council then adjourned till Tuesday the 12 Inst.

# Tuesday, the 12th day of October, 1852

The meeting of Council appointed for this day was postponed sine die.

At the Council held on the 6th Inst., the following appointment was made by the Governor, with the advice and consent of Council, vizt. James Sangster to be Collector of the "Customs for Vancouvers Island".

## Tuesday, the 29th day of March, 1853

The Council met at the hour of ten this morning, the Governor being present and the following members—John Todd, Senior Member, James Cooper did not appear, Roderick Finlayson.

The Governor requested the advice of Council in respect to the expediency of appointing qualified persons to act as Magistrates and Justices of the Peace in the several Districts of the Colony, and proposed that the following gentlemen should be appointed to that office vizt.

Edward E. Langford Esqre. Esquimalt District.

Thomas J. Skinner ,, Peninsula

Kenneth McKenzie ,, do.

Thomas Blenkhorn ,, Metchosen.

[Blinkhorn]

No Resident of Soke Dis-Soke.

trict qualified to act as Magistrate.

Resolved, That it is expedient in consequence of the small number of persons possessed of Sufficient property in the Colony to dispense with the qualification as to estate in the appointment of Justices of the Peace, required by the Act of Parliament, made in the 18th year of the reign of his Majesty George the Second, provided only that the said Justices of the Peace be faithful and true men loyal to Her Majesty the Queen of experience in business, and of good repute in the Counties where they reside.

Secondly. As an inducement to exercise the duties of Magistrate that said Justices be permitted to charge at the rate of £1 Sterling per diem, for their services, over and above the customary, costs of Suit, in all Civil Cases, only, which they are hereby authorised to levy on the parties concerned as part costs of Suit.

A Table of Fees to be drawn up without delay.

The Governor next suggested to Council the propriety of taking into consideration the best means of restraining the abuse, and excessive importation of spirituous liquors into this Colony. It not being considered properly within the jurisdiction of the Governor in Council without the consent of the representatives of the people to impose customs duties on imports, he proposed that a duty should be charged on all Licences, granted to Inns, Public or Beer Houses, and it was therefore resolved

That there shall be levied Collected and paid upon the Licences hereby authorised the duties following that is to say, For every wholesale Licence, the annual sum of one hundred pounds. For every retail licence the sum of one hundred and twenty pounds. The said duties to be under the management of the Governor and Council.

It is further resolved that a wholesale Licence shall be construed to mean, the sale of Spirits by the Cask or Case, as imported, and that a retail licence shall authorise the sale of smaller quantities of Spirits for reasonable refreshment; to be consumed on the premises. It is provided however, that it shall be lawful for wholesale dealers, notwithstanding what has been resolved above to sell spirituous liquors to Farmers or other persons, possessed of landed property; residing at a distance from any licensed ale house, in any quantities not under two gallons, provided the same be intended to be consumed, on the premises for the household use of such Farmers, or their Servants, and not for sale.

The subject of public instruction was next brought under the consideration of Council. Applications having been made, from various districts of the Country for Schools, it was resolved

That two schools should be opened without delay one to be placed on the peninsula, near the Puget Sound Companys Establishment, at Maple Point and another at Victoria there being about 30 Children and youths of both sexes, respectively at each of those places.

It was therefore resolved that the sum of £500 be appropriated for the erection of a school house at Victoria, to contain a dwelling for the teacher, 2 School rooms, and several bed rooms, and that provision should be made hereafter, for the erection of a House at Maple Point.

Resolved that the Council do now adjourn till Thursday, the 31st day of March.

#### Thursday, the 31st day of March, 1853

- The Council again met this morning, the Governor, and the following members being present, vizt. John Todd, Roderick Finlayson, James Cooper, did not appear.
- Edward E. Langford appeared before Council, and after taking the oath of allegiance, and qualification as to estate, received a provisional appointment as Magistrate and Justice of the Peace for the district of Esquimalt and 20 miles around it.
- The Council then resumed the subject of the School, and fixed upon a site near Minies plain, and that the size of the building should be 40 feet long by 40 feet broad.

A Commission of two persons, The Honble. John Todd Senior Member of Council, Robert Barr, Schoolmaster, were then appointed, to carry this measure into effect, and to report from time to time, their proceedings to the Governor and Council.

The Council then adjourned, there not being a sufficient number of Members present to form a Quorum.

# Thursday, the 7th day of April, 1853

- The Council met this morning in pursuance of a notice to that effect issued on Tuesday the 5th Inst. the Governor being present and the following members vizt. John Tod, Senior Member, James Cooper, Roderick Finlayson.
- The Governor informed the Council that he had appointed John Work Esqre., to be a Member of Council, and the oath of allegiance having been administered to him, in presence of the Council he took his seat at the Council Board.

The Council then proceeded to the review, and consideration of the measures proposed on Tuesday the 29th March and Thursday last and it was Resolved,

That the Resolutions made on Tuesday the 29th day of March, and on Thursday the 31st day of March last, be confirmed and ratified, and the same are hereby confirmed and ratified.

That the Council do now adjourn.

It was also resolved before the adjournment of the Council held on the 7th day of April aforesaid that—A Committee of four be appointed to examine the country between Soke and Victoria for the purpose of selecting a line of road to connect those places, and to submit a report on the same, with an estimate of the cost of constructing said road, for the consideration of the Governor and Council, and that the said Committee do consist of the following Members vizt. James Cooper, Member of Council, John Work, Member of Council, Ed. E. Langford J.P., J. D. Pemberton, Surveyor General.

It was also resolved at the same meeting of the Council aforesaid—that

For the better and regular administration of Justice, that a petty session of one or more Justices of the Peace, be held on the first Thursday of every month, and that a general Quarter sessions of the Peace, be held once in every quarter, beginning with the first Thursday of July next ensuing, to hear and determine cases, and to do justice to all who may apply.

#### Tuesday, the 20th day of September, 1853

The Council having met this morning pursuant to summons the Governor being present and the following Members—vizt. John Tod, senior member, John Work, James Cooper, Roderick Finlayson, proceeded to the consideration of certain matters, connected with the jurisdiction of the Justices Courts—in civil cases.

The Governor laid before the Council copy of the evidence taken in a case Webster versus Muir, lately tried at this place in the Justices Court, involving a large sum of money the damages claimed by Plaintiff being several thousand dollars in amount.

The Governor called the attention of Council to the defective manner in which the record was kept; there being no statement of the case, nor of the cause of complaint, which moreover cannot be ascertained from the record; the Jury nevertheless gave the following verdict, "We the Jury find a Verdict for the Plaintiff—for illegal detention of Cattle, belonging to said Plaintiff 2213 dollars with costs."

The whole case appearing to have been improperly managed owing entirely to the inexperience of the Justices present, the Governor advised that the Jurisdiction of the Justices Court, should be limited in civil cases, to suits not exceeding the sum of £100.

The Council adjourned, without coming to any decision, to Friday the 23rd day of September.

#### Friday, the 23rd day of September, 1853

The Council met this morning according to adjournment the Governor being present, and the same members as were assembled on Tuesday the 20th Inst. and proceeded to the consideration of the matter then referred to them by the Governor concerning the jurisdiction of the Justices Courts, and it was unanimously resolved

That said Courts, should have no jurisdiction in civil cases wherein the damages claimed exceed the sum of one hundred Pounds Sterling, and that a court be established to be called the Court of Common Pleas with power and jurisdiction in all civil cases, wherein the damages claimed shall not exceed the sum of £2000 Sterling money.

That a Judge shall preside in such Court, and shall cause records to be kept of all his proceedings, and of all sums awarded as damages, and of all costs levied, in said Court.

That an appeal shall lie from said Court to the Governor and Council.

That a salary of one hundred Pounds Sterlg. per annum shall be paid to the Judge, of said Court, for his services.

That David Cameron be appointed Judge of said Court—and be required to draw up, the rules and regulations of said Court, as soon as convenient, and to lay the same before the Governor and Council for their consideration and approval.

The Council next proceeded to establish regulations concerning the cutting and removal of Timber from the public lands and it was resolved that:

1st That the Collector of the Customs be empowered to issue Permits for cutting timber on the public lands, and to levy a Duty of tenpence per load of 50 Cubic feet on all timber cut thereon.

- 2d That no timber be cut on the public lands, without a Permit under a Penalty of £10 and the forfeiture of the said Timber.
- 3 That no person not being a subject of Her Majesty the Queen and a resident of Vancouvers Island, shall cut timber on the public lands under a Penalty not exceeding £20.
- 4 That all persons cutting Timber on the public lands shall make a true and correct return of the same to the Collector of the Customs, who may cause such timber to be remeasured, at the cost, of the persons claiming the same, should he see cause to doubt the correctness of said returns.

That the Collector shall charge a fee of one Pound Sterling, on every Timber licence which shall be issued by him.

The Council then adjourned.

#### Thursday, the 2nd day of December, 1853

The Council having met this morning pursuant to summons, the Governor being present and the following members vizt. John Tod, senr. member, James Cooper, Rod. Finlayson, John Work.

The Governor, proceeded to lay before the Council, a letter which he had received from Robert Barr, Clerk of the Peace containing a copy of certain resolutions passed by the Justices, at their monthly session held on the 3d day of Novr. last, to the effect that the following scale of Fees be adopted in carrying on proceedings, in the Justices Court, vizt.

	s. d.	court	clerk	constable
One Summons	12.0	1/3	1/3	1/3
Appearance of Plaintiff	3.0	2/3	1/3	
Swearing each Witness	2.0	1/2	1/2	
Examining each Do.	2.0	1/2	1/2	
Sentence	8.0	3/4	1/4	
Warrant of Execution	8.0	1/2	1/2	
Constable executing Do.	4.0			

and requesting the Governor & Council to allow a portion of the Fines levied in the Justice's Court to be applied to the payment of the Magistrates for their services at the monthly Session, and also making application to have the rate of Fees payable to Jurors fixed by enactment.

It was thereupon resolved, that the Justices be authorised to adopt in all their future proceedings the Tariff of Fees, recommended in their said resolutions; and that an act be forthwith prepared, to regulate Fees in Office, and that the Governor be authorized to pay the Magistrates for their services, at the monthly Sessions, out of the fines levied in the Justice's Court.

A letter was then read, which the Governor had received from Mr. Robert Barr Colonial Teacher, proposing, that the Children placed under his superintendence for tuition, should be boarded at the following rates, vizt.

To the Officers and Servants of the Hon. Hudson's Bay Company, 16 Guineas per annum.

To the Colonists not Servants of the Hon. Company, 18 Guineas.

To non-residents on Vancouver's Island, non servants of the Hon. Compy., 20 Guineas.

It was resolved that Mr. Barr be permitted to make the following charges for the board of Pupils, vizt.

For the Children of Colonists residents of Vancouver's Island, and of Servants of the Hudson's Bay Company, 18 Guineas per annum.

For the Children of non residents not being Servants of the Hudson's Bay Company, any sum that may be agreed upon, with the parties.

An Act was then passed in pursuance of the Resolutions of the 23rd day of September last, to establish a Supreme Court of Civil Justice with Jurisdiction over

the whole Colony and its Dependencies in all matters of Law or equity, where the amount in dispute is Fifty pounds Sterling and upwards, and the oaths of allegiance &c. were duly administered to David Cameron Esqre., as Judge of said Court.

It was then resolved that the sum of One hundred Pounds Sterling be appropriated, out of the proceeds, arising from the duties on Licensed Houses and applied to the payment of the salary allowed to the judge of the Supreme Court and that the Governor be, and is hereby authorised to cause the same to be paid by quarterly instalments, as they become due.

It was also resolved that a Committee consisting of three persons, be appointed, to enquire into, and report upon, the state of the Colonial School, and to hold quarterly examinations, to ascertain the progress made by the Pupils, and that the following persons do constitute the said Committee, vizt. John Tod, Senior Member of Council, Roderick Finlayson, Member of Council, Thomas J. Skinner J.P.

That this Council do now adjourn.

[Memo:] Copied and transmitted to England up to this date. J.D.

#### Wednesday, the 12th day of July, 1854

- The Council having met this morning pursuant to Summons, the Governor being present, and the following members vizt. John Tod, Senior Member, James Cooper, Roderick Finlayson, John Work.
- The Governor communicated to the Council that the provisional appointment of John Work Esquire to be a member of the Council of Vancouvers Island, had met with Her Majesty's approval, as stated in despatch No. 13 from his Grace the Duke of Newcastle. The Oaths of allegiance and abjuration were then administered to the Said John Work.

The Governor then communicated to the Council that Mr. Sangster's appointment to the office of Collector of Customs for Vancouver's Island, had been confirmed as pr. Despatch No. 2, of 10th February 1853, from His Grace the Duke of Newcastle.

The Governor laid before the Council, an account received from Mr. Robert Barr Master of the Colonial School, amounting to £36.5.11, being the sum expended by him, in completing the School house, papering the bed rooms, enclosing and bringing into cultivation a Small kitchen Garden, and for various other fixtures and improvements, as stated in Said account. That amount ordered to be paid and charged to Vancouver's Island Trust Fund.

The Governor then read a letter from the said Robert Barr, stating that his expenditure on account of the School was in excess of his income, and praying that his case may be taken into consideration by the Governor and Council, and relief granted to him, it was in consequence

Resolved, That the sum of Fifty Pounds Sterling be appropriated for the relief of Mr. Robert Barr and charged to Vancouvers Island Trust Fund.

A petition from James Yates, was then read praying that the form of the retail spirit licence might be so altered as to authorise publicans to sell spirits by the Bottle to be consumed off the Premises. Petition approved.

The following appropriations were then voted for public purposes, vizt.

For erecting a Court house £500 For making roads and bridges £500 Towards finishing the Church £500

The Council then proceeded to consider the state of the country, and the means of defending it against the Queen's enemies, in the case of invasion.

The Governor proposed to call out and arm all the men in the Colony capable of bearing arms, and to levy and arm an auxilliary body of native Indians.

It was urged as an objection to that measure that the small number of whites in the settlement could collectively offer no effectual resistance against a powerful enemy; and it was considered dangerous to arm and drill the natives, who might then become more formidable to the Colony, than a foreign enemy. Several other objections were made to the measure, but the reasons above stated are the most important. It was therefore deemed expedient to leave the defence of the Colony, against the attempts of Russia to the care of Her Majesty's Government, and not to call out the militia of the Colony.

It was however Resolved, as a means of protection to charter the Hudson's Bay Company's Propeller "Otter," armed and manned with a force of 30 hands, including Captain, Officers & Engineers, and to employ her, in watching over the Safety of the Settlements, until Her Majesty's Government take some other measures for our protection; and that arrangements be immediately made to carry that Resolve into effect.

That this Council do now adjourn.

## Thursday, the 3rd day of August, 1854

The Council having met this morning pursuant to summons—; the Governor being present, and the following members—vizt. John Tod, Senior Member, John Work.

James Cooper not having appeared at half past eleven o'clock—and Roderick Finlayson the other Member of the Council, having lately left the Colony, by permission, on a short excursion for the benifit of his health—the Governor notwithstanding the absence of a sufficient number of members to constitute a Council—proceeded to lay before the Members present, the Draft of an Act, prohibiting the Gift or Sale of Spirituous Liquors to Indians, which he recommended should immediately receive their sanction and become the Law of the Colony, as many complaints had been made of excesses committed by drunken

Indians, which could not otherwise be checked, without endangering the peace of the Colony. The Act was immediately passed, with the assent of James Cooper who arrived at Government House about 5 o'clock P.M.

After said Act was passed, the Council adjourned.

### Thursday, the 21st day of June, 1855

The Council having met this morning pursuant to summons, the Governor being present, and the following members vizt.—John Tod, Senior Member, James Cooper, Roderick Finlayson, John Work.

The Governor proceeded to lay before Council, a correspondence with Samuel McCurdey [McCurdy] Esqre. Commissioner for the United States, relative to certain fugitives from justice, who had fled from Vancouver's Island with a Boat and other property, abstracted from the ship "Marquis of Bute."

The offenders were apprehended and committed to Gaol by Mr. McKurdy, on the strength of the evidence contained in the Warrant issued by the British Magistrate, but were subsequently released from custody in consequence of a communication from Governor Stevens, declaring his opinion that the case, did not come within the provisions of the Treaty between Great Britain and the United States, ratified on the 22nd August 1842.

The Bill of Charges for the apprehension and commitment of those offenders amounting to 202 dollars and 30 cents, was also laid before the Council, who, Resolved, That the Governor be authorised to pay the sum of 102 dollars

and 30 cents, on the said Bill of Charges, the property belonging to the "Marquis of Bute" in possession of the United States Courts being considered equivalent to the Balance of said account.

equivalent to the Balance of said account.

The Governor also laid before the Council the report of Charles Griffin Esqre. on the outrage committed by certain American citizens who were concerned in forcibly carrying away a number of valuable Sheep the property of British subjects from the Island of San Juan and also the Governor's correspondence on that subject with Governor Stevens.

The expenditure made on account of the Colony amounting for the year ending on the 31st day of Oct. 1854 to the sum of £3512.18.9, was then laid before the Council, and the accounts submitted for audit and examination.

Those being found correct the amount was ordered to be paid.

Defence of the Country.

The Governor having represented to the Council, that much alarm existed among the Colonists, in consequence of the great number of Northern Savages, who had lately arrived, and were now scattered over the settlements, and that he was often called upon to settle differences arising between those savages and the Settlers, and that those differences were often carried to dangerous lengths, and might lead to very serious consequences, involving the loss of life

<sup>&</sup>lt;sup>1</sup> Governor Isaac Ingalls Stevens of Washington Territory. The reference is to Article X of the Treaty of Washington (Ashburton-Webster).

and property, suggested that a force should immediately be raised, and placed at his disposal, to meet such emergencies.

It was resolved that a Company of Ten to consist of Eight privates 1 Corporal 1 Sergeant, besides a competent officer to act as commander, be immediately raised, and maintained at the public expense until the Northern Savages leave the settlements.

And that the pay to be allowed to persons joining the said Company is not to exceed the following rates:

Privates 30 dollars per month with rations Corporals 31 dollars per month with rations Sergeants 33 dollars per month with rations

Their arms and accoutrements to be also provided at the public expense.

The following appropriations were then made for carrying on the public works contemplated for the year, vizt.

For the erection of public Hospital £1000.

Ditto, ,, Court House £500

Ditto ,, Roads & Bridges £500.

That John Work and Roderick Finlayson Members of this Council, and James Yates Merchant be appointed to act as Commissioners for the purpose of employing labourers and conducting the work, connected with the Road to be opened on the east bank of the Victoria Arm, and that they be authorised to draw upon the Hudson's Bay Company in furtherance of that object for the sum of £250, to be paid out of the appropriation for Roads. And that the said Commissioners are required to account for the expenditure of the said sum.

That this Council do now adjourn.

# Wednesday, the 27th day of February, 1856

The Council having met this morning pursuant to summons, the Governor being present and the following members to wit: John Tod, Senr. Member, James Cooper, Roderick Finlayson, John Work.

After a brief review of the proceedings of the Executive, since the last meeting of Council, and of the state of the Colony, the Governor proceeded to lay before the Council certain Regulations, touching the sale and registry of land which it is deemed expedient to establish without delay, and also to authorise the levying of certain Fees, for the purpose of defraying the cost of such registration, it was

Resolved That the said Regulations be passed, and that the Colonial Surveyor be required to cause the same to be observed in all the land Offices of Vancouvers Island.

The Governor then called the attention of the Council to the subject of the Publick schools, and recommended that the Revd. Edward Cridge District Minister of

Victoria should be appointed a Member of the Committee for inquiring into and reporting upon the state of the Public schools. It was then

Resolved That the Revd. Edward Cridge be according to the Governors recommendation appointed a member of the said Committee and be requested to hold quarterly examinations and to report on the progress and conduct of the Pupils, on the system of management and on all other matters connected with the District Schools which may appear deserving of attention.

The Governor then directed the attention of Council to the defence of the country, which is at present entirely destitute of any military force; while the northern Indians are beginning to arrive in the settlements and it is reported on the authority of the Hudson's Bay Company's officers, that a very large body of those savages may be expected this summer. It was therefore

Resolved That a company of Thirty to consist of 1 Lieutt., 1 Sergeant and 2 Corporals and 26 Privates, be immediately raised and maintained at the publick expense until the Northern Indians leave the settlements and that the pay of persons joining the said company is not to exceed the following rates vizt.

Privates	30	dollars	a	month	with	rations
Corporals	31	99	,,	99	,,	,,
Sergeants	33	29	,,	22	22	99

Their arms and accoutrements, and one suit of Uniform clothes, to be also provided at the publick expense.

The following appropriations were then made for the service of the year, and for carrying on the publick works in progress vizt.

For the erection of a Court House £500 For Roads and Bridges £500

That £200 of the above appropriation for roads and Bridges be considered applicable to the construction of the Road on the east side of the Victoria Arm, and the other £300 for other roads in progress.

Resolved That this Council do now adjourn.

## Wednesday, the 4th day of June, 1856

- The Council having met this morning pursuant to Summons, the Governor being present, and the following Members—to wit—John Tod, Senr. Member, James Cooper, Roderick Finlayson, John Work.
- The Governor proceeded to lay before the Council certain instructions lately received by him from the Secretary for the Colonies instructing him to call general assemblies of the people, for the purpose of carrying Her Majestys instructions fully into effect and for other objects.

The subjects were freely discussed and the Council adjourned at 5 o'Clock P.M. till Monday the 9th of June.

#### Monday, the 9th day of June, 1856

The Council having met this morning pursuant to adjournment, the Governor being present, and the following members—vizt.—John Tod, Senior Member, James Cooper, John Work.

Resume the consideration of Her Majesty's instructions for calling General Assemblies of the Freeholders of Vancouvers Island. The subjects under consideration on the 4th Inst. were as follows, vizt.:

The property qualification of Members serving in the General assembly. The property qualification of Voters.

The right of absentee proprietors to be represented in the general assembly.

The Governor laid down as a principle that the custom or practice observed in England, should as far as possible, be adopted in this Colony, in framing the rules for elections, and proposed, that,

The ownership of £300 of freehold property or immovable estate should constitute the qualification of a Member of the assembly.

That absentee Proprietors shall be permitted to vote through their Agents or Attorneys.

That the qualification of Voters, should be the ownership of 20 acres of freehold land or upwards, as required by his instructions from the Crown.

The Council expressed their unanimous concurrence with those suggestions and the proposed regulations are finally settled and approved.

It was then resolved that the settlements should be divided into four electoral Districts, vizt.:

Victoria District. The country east of the Victoria Arm; and of a line from thence running in a northerly direction towards Sanitch so as to include Peers' farm.

Esquimalt District. The Country west of Victoria Arm and east of Pedder Bay, including McKenzie's and the Farms west of Colquot's [Colquitz] River. Soke District. From Pedder Bay to "Otter" Head; the head land be-

vond Soke.

Nanaimo District. Colvile Town.

It was then resolved that this Council do now adjourn.

## Saturday, the 2nd day of August, 1856

- The Council having met this morning pursuant to a summons issued on the 1st of this present month; the Governor being present and the following members vizt. John Tod, Senr. Member, Roderick Finlayson, John Work.
- The Governor then laid before the Council for their consideration the draft of an Act having for its object the arrangement of the affairs of the Victoria Church,

to be entitled "An Ordinance establishing regulations for the arrangement of the affairs of the Victoria Colonial Church".

The Council having read and approved the several Clauses of the Act, it was duly passed, and the Council then adjourned.

### Saturday, the 14th day of February, 1857

The Council having met this morning pursuant to a summons issued on the 13th of this present month; the Governor being present and the following Members vizt. John Tod, Senior Member, Roderick Finlayson, John Work.

The Governor then proceeded to lay before the Council, An act granting the sum of £130 for defraying the unavoidable expenses of the House of Assembly, which was read for the third time and passed the House on the 18th day of December last.

The Council having read the several clauses of the said act, it was proposed as an amendment that the following words should be omitted in the preamble, that is to say, "attending the conduction of the business," and the following words in the 8th clause vizt. "Licences of July 16th 1856," and that the act be as follows:

[Title] A Bill granting certain sums of money for the use of the House of Assembly of Vancouvers Island.

[Preamble] Whereas it is necessary that certain sums of money be voted for defraying the unavoidable expenses of the House of Assembly of Vancouver's Island, be it therefore enacted.

1st That £50 sterling be placed at the disposal of his Excellency the Governor to defray the expenses of copying statistics and documents for the use of this house.

2nd That £10 Sterling be granted to Mr. Robert Barr for his past services as Clerk of this House.

3rd That £5 Sterling be granted to Mr. Andrew Muir for his past services of Sergeant at Arms.

4th That £25 Sterling be allowed for the salary of the Clerk of the House for the year 1857.

5th That £15 Sterling be allowed for the salary of the Sergeant at Arms and Messenger for the year 1857.

6th That £20 sterling be granted for lighting heating and furnishing the House of Assembly for the year 1857.

7th That £5 Sterling be granted for Stationery for the use of the members of the House of Assembly.

8th That the above items be paid out of the revenue derived from the duty charged on Licenced Houses.

The act as so amended was approved and passed.

The Governor then proceeded to lay before the Council a letter from Chief Justice Cameron, transmitting a copy of the Rules and manner of Proceeding to be observed in the Supreme Court of Civil Justice of Vancouver's Island, drawn up in virtue of the authority vested in the Court by Her Majesty's Order in Council, dated the 4th day of April 1856, which was submitted for the approval of Council.

This document was before the Council until evening, when an adjournment took place to Monday the 16th of Instant.

#### Monday, the 16th day of February, 1857

- The Council met this morning pursuant to adjournment, the Governor and the same Members being present as on Saturday the 14th of Instant.
- Proceeded with the reading and consideration of the Rules and manner of Proceeding of the Supreme Court, for the remainder of the day and then adjourned to Tuesday the 17th of Instant.

## Tuesday, the 17th day of February, 1857

The Council met this morning according to adjournment, the Governor and the same members being present, as on Monday the 16th of Instant. Completed the reading and consideration of the Rules and manner of Proceeding of the Supreme Court which were unanimously approved and passed in Council.

The Council then adjourned.

[Memo:] Copy sent home.

## Monday, the 11th day of October, 1858

- The Council having met this morning pursuant to a summons issued on the 8th of this present month; the Governor being present and the following members: Roderick Finlayson, John Work.
- The Governor then informed the Council that he had received a communication from Mr. Tod, resigning his office as Member of the Council.
- The Council then adjourned to Wednesday the 13th Instant, there not being a quorum.

### Wednesday, the 13th day of October, 1858

The Council having met this morning pursuant to adjournment the Governor being present and only one member, John Work—Mr. Finlayson being unavoidably absent on public business.

The Council adjourned, there not being a quorum.

### Monday, the 15th day of November, 1858

The Council met this morning pursuant to a notice issued the preceding day, the Governor being present, and the following members: Roderick Finlayson, John Work.

The Governor informed the Council that he had appointed Donald Fraser Esquire to be a Member of Council; and the Oath of Allegiance having been administered to him, in presence of the Council, he took his seat at the Council Board.

The Council then proceeded to consider the following Bills; viz.

A Bill to amend the Law relating to Inns & Beer Houses.

A Bill of Supply granting Sums of money for the improvement of certain Roads & Streets in the Town & District of Victoria,—& for the use of the House of Assembly;—the said sums to be paid out of the Fund to be received from the duties raised from Licensed Houses for the Sale of Wines, Liquors &c.

An Act to amend the Law relating to the Licensing of Inns Public and Beer Houses.

These Bills after Amendment by the Council were duly passed.

The Council then adjourned.

## Wednesday, the 1st day of December, 1858

The Council met this afternoon pursuant to a notice issued in the morning, the Governor being present & the following Members: Roderick Finlayson, John Work, Donald Fraser.

The Governor then introduced an "Act to authorize the Registering or Recording of Conveyances Deeds and other Instruments in writing affecting Real Estate; & to create the Office of Registrar General of the Colony of Vancouvers Island & to define his duties."

After the discussion of certain amendments by the Council, the further Consideration of the Act was postponed to another day.

The Council then adjourned.

## Tuesday, the 22nd day of March, 1859

- The Council met this morning pursuant to a summons issued on the 21st of this month, the Governor being present and the following members: Roderick Finlayson, John Work, Donald Fraser.
- The Governor then submitted for the consideration of the Council the "Act to provide for the Registering of Conveyances and other Deeds &c." premising that since the last session it had received the careful consideration & revision of Mr. Fraser & Judge Begbie.

The Bill was then read a first time & unanimously approved.

- The following points received the more especial consideration of the Council.
  - 1. As to the addition of a clause providing for the registration of wills in the Registrar's Office.
  - 2. As to whether judgments of Courts of Law, being liens on real property, should be registered in this Office.
  - 3. As to the nature and amount of evidence requisite to entitle a deed to be registered; & especially how, in the Case of the death of the parties who had executed & attested the deed, its genuineness should be determined.
  - 4. The mode of Registration of Deeds Executed before the passing of this Act. The two following cases were considered (1) Of Deeds executed after the passing of the Act & before the 31st May next. (2) Of Lands sold on credit on which instalments had been paid but the full payment of which would not be made till after the above-mentioned period.

The further consideration of these Cases was deferred.

The Governor then laid before the Council "A Bill for the Registration of Voters" which passed the House of Assembly.

The Bill having been read a first time the Council was adjourned till tomorrow (Wednesday) at 10 A.M.

## Wednesday, the 23rd day of March, 1859

The Council met this morning pursuant to adjournment, the Governor being present and the following members, John Work, Donald Fraser.

The Minutes of the last Meeting having been read and confirmed.

The "Bill for the Registration of Deeds" was a second time considered by the Council (v. Mar. 22).

In connexion with this Bill his Excellency referred to a Bill now in progress through the House of Assembly for the Quieting of Alien Land Titles and a lengthened conversation on the Subject of Such Titles Ensued.

The suggestion of legislating on the subject by the introduction of a clause into the "Registration of Deeds" Bill was objected to on the ground of its tending to change the Laws of England by indirect enactment.

Certain objections against aliens being entitled to hold land were discussed namely, that the possession of land would give to aliens a certain political influence which, especially at a time when the British element of the population was in its infancy might prove detrimental to the interests of the Country.

The holding of lands by aliens without political privileges accompanying the right might also give birth to discontent and agitation.

On the other hand it was thought that a liberal policy in reference to this question would rather tend to strengthen than impede the government. And it was further thought that a measure (upon this subject) entitling aliens, on declaring their intention to become British subjects and on their taking the oath of allegiance, to hold land, might tend to secure the good-will & pave the way for the naturalization of foreigners of various Nations.

Such a measure might pave the way for the adoption of the widest form of the subject which was expressed in the principle that all persons should be allowed to deal in land & to hold & transfer landed property with the same liberty & facility as in any other article of merchandise.

In reference to the suggestion of communicating with the Home Government before legislating on the Subject, his Excellency alluded to a despatch he had received from England last July in which he was instructed to encourage the settlement of foreigners in British Columbia with a view to stimulating the development of the resources of the Country; a Despatch which his Excellency interpreted to recommend among other things the pursuance of a liberal policy with regard to the tenure of landed property by aliens.

The case of aliens non-resident was also considered.

In the Course of this discussion Certain Acts were referred to; namely

- 1. An Act to amend the Law relating to Aliens, 7 & 8 Victoria, by wh. (1) Aliens might hold land on lease for 20 years with certain privileges (2) aliens might by application to the Secretary of State become entitled to hold land and to enjoy the privileges of British subjects with the exception of sitting in the Privy Council or holding a seat in Parliament.
- 2. An Act for "Quieting Estates & preventing Lawsuits" in the Bermudas in the 6th Queen Anne.
- 3. An Act passed in the Canadian Legislature (1858) entitled "An Act to Amend the Naturalization Laws" referring to another Act of 12 Victoria, which was not found.
- The Governor then laid before the Council the "Bill for the Registration of Voters" which being found imperfect in some of its provisions & Enactments & to require amendment was deferred to another Session.
- His Excellency then laid Before the Council "An Act to Enfranchise the Town of Victoria" which passed the House of Assembly June 1, 1857, the passing of which by the Council had been from various reasons deferred from time to time.

In connexion with this Bill the Proclamation of the Governor dividing the Colony into electoral Districts & issuing writs calling an Assembly of Representatives was referred to.

His Excellency also signified his intention of conferring with the lower House on the subject of this Bill.

### Friday, the 25th day of March, 1859

- The Council met this morning pursuant to adjournment the Governor being present and the following members: John Work, Donald Fraser.
- The Governor introduced the subject of declaring Victoria a Free Port. His Excellency having been requested by the Home government to give his opinion on this Subject had done so. He considered the measure to be one the importance of which to the interests of this Colony could not be over-estimated. For
  - 1. Nearly all the goods consumed in Vancouver Island with the exception of those which had been brought by the annual ships of the H. B. Company were imported from San Francisco where as in other American Ports import & municipal duties amounting to about 30 per cent on the value were imposed on all foreign goods. The imports from San Francisco to Victoria during the past year amounted to about £300,000 the import duty on which paid at that Port amounted to about £90,000.

By opening a direct trade with England & other producing countries we should receive goods at rates exceeding the Cost price by little more than the freight and profits of the importers. The Guadalete was the first vessel, besides the H. B. Company's Ships, which had brought goods to this Port direct from England; but she would soon be followed by others, not only from England, but from other Ports, & in proportion as this took place, would goods of all kinds become Cheaper than under the old system of importing them from San Francisco.

- 2. Another advantage would accrue from the export trade, in sending our produce, such as gold &c. direct to England, instead of, as now, to S. Francisco.
- 3. The abundance & cheapness of our market under this system would make it a centre of trade & attract ships from Ports on the Sound, from the Sandwich Islands, the Russian American Settlements &c. who would discover that they could obtain supplies of flour, grain, & manufactured goods of various kinds cheaper here than at S. Frano.
- 4. The value of all kinds of property, & especially of real Estate, would be enhanced.

It was remarked in reference to this subject that the people of San Frano had already begun to make a market of Victoria by buying goods here.

With regard to creating a Revenue there were various sources available such as a direct tax, taxes on trades, professions &c. &c.

The Governor informed the Council that he had strongly urged on the Home Government the necessity of Building a Light House on the Race Rocks commonly called Rocky Point.

His Excellency also informed the Council of a correspondence he had had with the Home Government in reference to settling the Indians in permanent villages. He read the copy of a letter which he had written in answer to one addressed to him by the Colonial Secretary making enquiries & suggestions on this subject. In that letter he informed the Government that he had made anticipatory Reserves in the various districts, including the Cultivated fields & village sites of the Indians, & he proposed that the Indians shd. be located on certain parts of those Reserves, & the remainder be leased & the proceeds applied to their temporal & spiritual elevation in building churches schools & houses for them to live in & providing them with teachers & ministers &c. One feature of the system was to eventually make it self-supporting. In the U. States immense expense had been incurred to very little purpose in settling the Indians. For instance Congress had made a grant for this purpose for California alone, of 358,000 dollars in one year & yet through some defect in the plan or administration the Indians were diminishing & becoming more hostile & demoralized.

The Bill for "Enfranchising the Town of Victoria" was read a Second time.

Objection was raised to the qualification of 10£ rental as too low.

In connexion with the question of Voters the case of those British Subjects who had renounced their allegiance & now wished to return to it was discussed & the Oaths of renunciation Enforced in America were referred. The question whether they should be permitted to vote on their taking the Oaths of allegiance was discussed. The explicit & absolute nature of the American Oath was urged against the measure: and the principle that by the British Constitution the allegiance of a British Subject was indefeasible, was urged in support of it.

A Plan, contemplated by his Excellency for building the various Government Offices & residences on the Indian Reserve near James Bay & selling the Government land near the Fort to defray the Expenses was next discussed.

# Friday, the 8th day of April, 1859

- The Council met this morning pursuant to a summons issued the preceding day, the Governor being present and the following members, Roderick Finlayson, John Work, Donald Fraser.
- The Bill for the Registration of Voters being found imperfect & requiring amendment (See Min. March 23) was ordered to be filed.
- The Bill for the "Registration of Deeds" was considered & read a third time; but the passing thereof was deferred in order that it might, if found necessary, receive additions or improvements from Lord Campbell's Registration Act.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> In 1851 Baron John Campbell introduced a registration bill into the House of Lords, a measure he thought would likely immortalize him, but the bill failed to find support in the Commons. Entry for John Campbell, *Dictionary of National Biography*, Leslie Stephen, ed. (London: Smith, Elder, & Co., 1886), VIII, 384.

The Bill for Enfranchising the Town of Victoria was again considered by the Council. It was objected that the proposed measure seemed calculated to give a preponderating influence to the town representation & to lead to the taxation of the Country at large for the benefit of the town.

The Bill was read a third time & deferred for further consideration & remodelling.

The Governor then introduced a Bill "To provide for & to regulate the solemnization & Registration of Marriages."

The propriety of registering the ages, places of birth & names of parents of parties on their marriage was discussed.

The Bill was read a first time.

His Excellency next introduced a Bill "To Authorize Trustees to hold lands &c. in trust for Religious purposes."

Two questions were discussed in reference to this Bill; first as to limiting the Trust to property in the Colony and secondly the difficulty which might arise in the case of a Schism in the Church for the benefit of which the property was held in trust. In numerous cases in England & the United States property through such schism had been diverted to the support of a form of religion widely different from that wh. the Founder contemplated.

The Bill was read a first time.

- While the Council was sitting two Bills were sent up from the House of Assembly which had passed that House, which the Governor proceeded to lay before the Council.
  - 1. A Bill for the Preservation of Game. This Bill was read a first time & approved of.
  - 2. A Bill to Constitute the Coinage of the United States a legal tender. Certain verbal inaccuracies were noticed in the Bill.

The fixing the value of the American dollar at any definite Sum was objected to on the ground that the regulation of its value should be left to the operation of those mercantile laws by which the exchange of money was generally adjusted. And fixing the value of the dollar at 50 pence was virtually giving a premium on that Coin. Read a first time. Deferred.

The Council then adjourned to Monday the 11th instant at 10 O'Clock A. M.

[Memo:] Copy sent home. April 25.

## Monday, the 11th day of April, 1859

- The Council met this morning pursuant to adjournment, the Governor being present and the following members: Roderick Finlayson, John Work, Donald Fraser.
- A New Bill for the Passage of an Act respecting Marriages by Dissenting Ministers was substituted for that noted in the Minutes of the last meeting, and read a first time.

- Also a New Bill for the passage of an Act respecting the property of Religious Institutions was substituted & read instead of that which was noted in the last Meeting.
- The Bill for Enfranchising the Town of Victoria was referred to the Crown Solicitor for re-modelling.

The Bill for the Preservation of Game was amended and duly passed.

The Act for the Registration of Deeds was deferred to the next Session.

The Council then adjourned to Wednesday at 10 A. M.

### Wednesday, the 13th day of April, 1859

- The Council met this morning pursuant to adjournment, the Governor being present and the following Members: Roderick Finlayson, John Work.
- The Members present not being sufficient to form a quorum the Council after some conversation on the Bills minuted at the last meeting adjourned to to-morrow Thursday April 14, 1859.

## Thursday, the 14th day of April, 1859

- The Council met this morning pursuant to adjournment the Governor being present and the following members: Roderick Finlayson, John Work, Donald Fraser.
- The "Bill for the Passage of an Act respecting marriages in the Colony of Vancouvers Island and its Dependencies", and "The Bill for the Passage of an Act respecting the Property of Religious Institutions in the Colony of Vancouvers Island & its Dependencies," were again read & duly passed.
- The Bill for the Registration of Deeds was again under the Consideration of the Council and certain additions, including one respecting a seal of Office for the Registrar General & its weight as testimony, were approved of.

It was thought desirable to make no distinct provision for the Registration of Deeds under the circumstances noted in the Minutes of March 22 [point] 4 (1), (2).

The Bill was then duly passed.

The Council then adjourned to Saturday April 16, 1859.

### Saturday, the 16th day of April, 1859

The Council met this morning pursuant to adjournment, the Governor being present and the following members: Roderick Finlayson, John Work, Donald Fraser.

The Bill for Enfranchising the Town was again under consideration & certain verbal amendments agreed to.

The following points were discussed:

- 1. Whether salaried government officials should be permitted to vote, in reference to which point "Wordsworth's Law of Elections" was referred to p. 368, relative to disqualifications for Voters.
- 2. As to the effect of the proposed measure and of the present representative system generally on the respective interests of town & country, it being Contended that the former would be likely to acquire a preponderating influence in the House of Assembly, and the Country generally might find itself taxed to carry into affect town improvements. On the other hand it was observed that the Country members would, at the present at least, be most numerous; & also that in the election of such members the town electors, as such, would have no vote.

The Council then adjourned to Wednesday Apl. 20 at 10 A. M.<sup>4</sup>

[Memo:] Copied and forwarded to England April 26th 1859.

## Tuesday, the 5th day of July, 1859

- The Council met this afternoon pursuant to a summons issued the same day, the Governor being present & the following members: John Work, Donald Fraser.
- "A Bill to extend the duration of the Laws relating to Inns, Public & Beer Houses", sent up from the House of Assembly, was under the consideration of the Council.

The Preamble of the Bill being found inaccurate both as to the date of the passage of the Act which enacted that the Ordinance of Council of 1853 on Licensing should at a certain period be no longer in force, and also as to the date of that certain period, enquiry was directed to be made of the Speaker of the House of Assembly for information as to the Authority for the dates alluded to.

<sup>&</sup>lt;sup>3</sup> Charles Favell Forth Wordsworth, *The Law and Practice of Elections: Election Petitions and Registration of Voters, with All the Statutes and Forms, 3rd ed.* (London: W. Benning & Co., 1847). In this edition "persons ineligible to be registered" are the subject of Chap. XI, Bk. II, pp. 366–385.

<sup>4</sup> The following minute for Wednesday, 20 April 1859, was entered in pencil in the original but was subsequently crossed out and the word "Expunge" written in the margin: "The Council met this morning pursuant to adjournment. Owing to some accident the notes of its proceedings were mislaid an. . . . ."

In further discussing this Bill the above-mentioned Act was referred to, viz. the "Act to amend the Law relating to the licensing of Inns Public and Beer Houses" which passed the Assembly on the 29th Day of April 1858 & the Council on the [15th] Day of November 1858, whereby (see third clause) it was enacted "That the Ordinance relating to Licensed Houses shall Expire on the 29th Day of April 1859."

It was the opinion of the Council that the Bill under consideration, being found to contain provisions inconsistent with previous Enactments, & proposing to revive an Ordinance which, by virtue of the Act referred to, had for nearly three months ceased to be of force, was unsatisfactory in its present form.

The Council was also of opinion that however it might be corrected or amended, this Bill would still leave the Law on the subject imperfect & uncertain, & render necessary further legislation.

It was therefore resolved that a new & comprehensive measure should be framed, embracing, so far as seemed fit, all the previous enactments on the subject, together with such further provisions as should appear requisite.

In accordance with this resolution the Crown Solicitor was directed by his Excellency to draw up a Bill incorporating & containing the substance of the following measures and enactments, namely:

- 1. The Ordinance of Council passed on the 29th Day of March 1853 authorising the levying of certain duties on Licenses for the Sale of Spirituous Liquors.
- 2. An Act passed on the 15th Day of November 1858 Entitled "An Act to amend the Law relating to the Licensing of Inns Public & Beer Houses."
- 3. An Act passed on the 15th Day of November 1858 Entitled an "Act to amend the Law relating to Inns & Beer Houses."
- 4. A Bill sent up from the House of Assembly, and under the consideration of the Council this day, namely "An Act to amend the Law relating to Inns Public & Beer Houses."

The last-mentioned Bill having been considered and amended by the Council was disposed of in the manner noted in the preceding minute.

The Council then adjourned to Wednesday 6th inst. (to-morrow) at 11 A. M.

Memo.—The Minutes of Council from this date to 10th April 1860—copied and transmitted to the Secretary of State.

## Wednesday, the 6th day of July, 1859

- The Council met this morning pursuant to adjournment, the Governor being present and the following members: John Work, Donald Fraser.
- The Governor informed the Council that he had appointed Chief Justice Cameron to be a member of Council and the Oath of Allegiance having been adminis-

tered unto him in presence of the Council he took his seat at the Council Board.

"An Act to authorize & regulate the Sale of Wines spirits & other Liquors" was considered by the Council and read a first time.

This Bill was framed in consequence of a Resolution of the last Meeting of Council for the passage of a comprehensive measure on the Sale of Liquors. The scope & object of this Bill, as contemplated by the Council, are more fully expressed in the Minutes of the last Meeting.

Some discussion ensued on the expediency of granting Licenses for periods of less than one year. On the one hand it was urged that the present law pressed hardly on the general dealer, who, in order to sell a small consignment of liquor must take out a license for one year; on the other hand it was urged that, under cover of a quarter's License, a dealer might throw into the market a quantity of spirits sufficient to supply any number of retail dealers for a whole year.

"A Bill to enforce the completion of certain streets already or about to be macadamized," sent up from the House of Assembly, was read a first time.

The Council adjourned to to-morrow Thursday at 11 A. M.

### Thursday, the 7th day of July, 1859

- The Council met this morning pursuant to adjournment, the Governor being present and the following members—John Work, Donald Fraser, David Cameron.
- The "Act to authorize and regulate the Sale of Wines Spirits & other Liquors" was read a second time and received various corrections and additions.
- Some discussion took place on the propriety of passing a declaratory Law proclaiming the laws of England to be in force in this Colony, in order to clear up any uncertainty which might prevail upon the Subject in the minds of many persons; on the other hand it was said to be an understood principle that English Law was in force in Colonies except where contravened by Local Enactments, & "Chalmer's Colonial Opinions" p. 207, (American Edition) was referred to supporting this view.
- The "Act to authorize & regulate the Sale of Wines Spirits and other Liquors" after further consideration by the Council was passed, and ordered to be sent to the House of Assembly.

The Council adjourned to Friday the 8th inst. (to-morrow) at 11 A. M.

<sup>&</sup>lt;sup>5</sup> George Chalmers, Opinions of Eminent Lawyers on Various Points of English Jurisprudence Chiefly Concerning the Colonies, Fisheries, and Commerce of Great Britain: Collected, and Digested, From The Originals, in The Board of Trade, and Other Depositories (Burlington, Vt.: C. Goodrich and Company, 1858), pp. 206-07. The reference is to an opinion by Attorney C. Pratt and Solicitor-General C. Yorke to the effect that English subjects "carry with them your Majesty's laws wherever they form colonies, and receive your Majesty's protection, by virtue of your royal Charters,"

#### Friday, the 8th day of July, 1859

- The Council met this morning pursuant to adjournment, the Governor being present and the following members: John Work, Donald Fraser.
- "A Bill to authorize the McAdamising of certain Streets", which had passed the Assembly was laid before the Council & after Consideration was passed without amendment.
- The Governor ordered that an account should be kept of all monies granted by the Legislature for public purposes.
- A Motion of the House of Assembly calling for a return of the Expenditure of all monies by the Government for the month of June was adverted to. It was remarked that the House should also have provided the accountant: it was moreover difficult to see what legislation Could be based on a return of one month's expenditure, unless the house conceived itself to have made some discovery.
- The hardship of the case of a general merchant being unable to sell an occasional consignment of liquor without a license was again discussed. The following reasons were given for allowing the law to take its natural course.

Tho' there might be inconvenience in some individual cases it wd. have the effect of restraining the importation & consumption of liquors especially of those of a deleterious character which was the first object of the license laws.

- 2. A general merchant can under existing regulations dispose of a consignment of liquors to a licensed dealer.
- 3. All inconvenience may be obviated hereafter by the passage of a general licensing law for the sale of all kinds of merchandise, on the introduction of which merchants might be credited for any sum which they had paid for licenses on consignments of liquor.

On the other hand it was said that the license laws would not limit the consumption of liquor;

That Licensed dealers took advantage of the necessities of consignees to give them less than the value of their goods.

- 3. That it costs them a great deal of trouble & inconvenience to get rid of such consignments.
- The question of ways & means was discussed in connexion with that clause of the Streets' Bill which provided that the Governor be authorised to defray the Expense of macadamising certain streets out of the money arising from the tax on licensed houses.

The course contemplated by His Excellency was, as soon as the Home Government notified that the Charter of the H.B. Compy. was withdrawn to apply to the House of Assembly for ways & means to carry on the expenses of the Government; & if they were not forthcoming to fall back on the money

arising from the tax on Licensed houses. It was considered that no obstacle would be found to this course in the Bill just passed.

At the same time it was considered by his Excellency & the Council that a more speedy adjustment of this subject was highly desirable if it Could be effected. The reason alleged by the House of Assembly for not raising means by levying duties &c. on the town, namely that the town was not represented, was considered insufficient inasmuch as even under present circumstances the town was more fully represented than almost any town in England, if we took into consideration the proportion of voters & members. The objection was also inconsistent with the proceedings already taken by the House in imposing License duties.

It was also considered that notwithstanding the absence of one member & the resignation of another (that resignation not having been yet accepted), the house was fully competent, if willing, to take the subject into consideration at once.

After some discussion on a Schedule of ways & means laid before the Council by the Governor, his Excellency appointed Mr. Work, Mr. Fraser & Chief Justice Cameron a select Committee to prepare a scheme of ways & means to defray the Expenses of the Government.

The Council then adjourned to Monday the 11th inst. at 11 o'clock.

### Monday, the 11th day of July, 1859

- The Council met this morning pursuant to adjournment, the Governor being present and the following members: John Work, Donald Fraser, David Cameron.
- The last mentioned member (Mr. Cameron) not having been present at the last Meeting of Council, read, & and gave his assent to the, Bill to "authorise the macadamising of certain Streets &c."
- "A Bill to create certain Wardens for the surveillance of the Hills" which passed the Assembly July 8th 1859 was read a first time.

In reference to this Bill clauses in the New South Wales Reform Bill were referred to by virtue of which members of the Council & of the Assembly might resign their Seats by a letter to that effect addressed to the Governor of the Colony or to the Speaker of the House of Assembly as the case might be. (See 18 & 19 Victoria Chap. 54. Sched (1) Sect. 4 & 25.) 6

<sup>&</sup>lt;sup>6</sup> An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty," 1855, 18 & 19 Vict., c. 54, Sched. (1), s. 4: "It shall be lawful for any Member of the Legislative Council to resign his Seat therein by a Letter to the Governor, and upon the Receipt of any such Letter by the Governor the Seat of such Legislative Councillor shall become vacant."

Section 25: "It shall be lawful for any Member of the Assembly, by writing under his Hand, addressed to the Speaker of the said House, to resign his Seat therein, and upon the Receipt of such Resignation by the Speaker the Seat of such Member shall become vacant."

Sect. 5 & 26 of the Same Act were referred to relative to seats vacated by absence and other Causes.<sup>7</sup>

It was Considered that a Similar clause might be introduced into the new Reform Bill for Vancouvers Island now under consideration; or a distinct enactment might be passed upon the subject; & thus the inconvenience of the proposed measure of creating Wardens of the Hills be avoided.

His Excellency consulted the Council on a motion of the House of Assembly of July 4 Enquiring whether the Colonial Legislature had power to alter the Land system. It was advised that an answer should be returned to the effect that the Legislature had not that power at present; but that there was reason to believe that it might be acquired on the Assembly's securing a Civil List to Her Majesty for the Expenditure of the Colony. (See Governor's Reply to Said Communication of [this] date.) The general purport of this Reply agreed with that of a communication addressed by his Excellency to the Assembly on a Similar Subject on 7th April 1859.

18 & 19 Victoria Chaptr. 54, 55, 56 were referred to on this subject.8

The governor laid before the Council "A Bill to increase the number of Representatives of the People of this Colony in the House of Assembly; & to create new Electoral Districts & for other purposes" which passed the House of Assembly.

The Bill was read a first time.

A discussion arose as to whether the Legislature had by its constitution power to Extend the franchise. The Governor referred to a correspondence

<sup>&</sup>lt;sup>7</sup> Ibid., section 5: "If any Legislative Councillor shall, for Two successive Sessions of the Legislature of the said Colony, fail to give his Attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the Colony, signified by the said Governor to the Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or whereby he may become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a Public Contractor or Defaulter, or be attainted of Treason, or be convicted of Felony or of any infamous Crime, his Seat in such Council shall thereby become vacant."

Section 26: "If any Member of the Assembly shall for One whole Session of the Legislature, without the Permission of the Assembly, entered upon its Journals, fail to give his Attendance in the said House, or shall take any Oath or make Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or do or concur in or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or become entitled to the Rights, Privileges, or Immunities of a Subject of any Foreign State or Power, or shall become bankrupt or an Insolvent Debtor within the Meaning of the Laws in force within the said Colony relating to Bankrupts or Insolvent Debtors, or shall become a Public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, his Seat in such Assembly shall thereby become vacant."

<sup>&</sup>lt;sup>8</sup> An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty," 1855, 18 & 19 Vict., c. 54; An Act to enable Her Majesty to assent to a Bill, as amended of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria, 1855, 18 & 19 Vict., c. 55; An Act to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies, and to make other Provision in lieu thereof, 1855, 18 & 19 Vict., c. 56.

which took place in [blank]<sup>9</sup> between himself & the Colonial Secretary from which it appeared that the Legislature has this power.

The Council adjourned to Thursday the 14th inst. at 11 A.M.

## Thursday, the 14th day of July, 1859

The Council met this morning pursuant to adjournment the Governor being present & the following members, Roderick Finlayson, John Work, Donald Fraser.

The governor laid before the Council an "Act to provide for the resignation & vacating of seats in the House of Assembly, & for the Election of Members on vacancies," intended as a Substitute for the Bill for creating Wardens of the Hills. The Bill was read a first time.

The Bill for creating Wardens of the Hills was, on its second reading, rejected by the Council.

The Governor laid before the Council certain petitions; namely

- 1. From several respectable inhabitants of The Town of Victoria.
- 2. A Petition containing 30 or 40 signatures.
- 3. A Memorandum of a Minute of proceedings at a meeting on the subject of the petitions.

The petitioners prayed for a reduction in the price of country lands to actual settlers & that the price be fixed at 1½ dollars per acre in 5 years.

His Excelly, also informed the Council that he had replied to the petitioners to the effect

- 1. That the Legislature had no authority. to alter the price of land.
- 2. That he had himself had no authority. to do so.
- 3. That therefore the only relief he could afford the petitioners was to allow a temporary reduction in the payment of the first instalment, the balance of such instalment being added in equal proportions to the three other instalments so as that whole sum paid should eventually amount to the prescribed sum of 20/. per acre.

After full deliberation on the subject his Excellency requested a member of Council (Mr. Fraser) to draw up for transmission to Her Majesty's Government a minute containing a statement of his Excellency's Communications with the petitioners & embodying the sentiments of the Council on this subject. Among the latter was a written memorandum of the views entertained by another member, Mr. Finlayson.

The "Bill to increase the number of representatives &c." was read a second time & various amendments proposed.

In the course of this meeting the subject of rules for the guidance of the proceedings of the Council was touched upon.

The Council then adjourned to Saturday the 16th inst. at 10 A. M.

<sup>&</sup>lt;sup>9</sup> See Douglas to Henry Labouchere, 22 May 1856, and 31 October 1856, Vancouver Island, Governor, Despatches to London, and Labouchere to Douglas, 23 August 1856, Vancouver Island, Governor, Despatches from London, PABC.

## Saturday, the 16th day of July, 1859

The Council met this morning pursuant to adjournment, the Governor being present and the following members: Messrs. Finlayson, Work, Fraser.

The Governor submitted to the Council a correspondence between himself & the Colonial Office, on the subject of the erection of Light Houses on the Coast of Vancouvers Island and the draught of a communication from His Excellency addressed to the House of Assembly this day asking that body to provide the means of supporting the Light Houses when erected.

His Excellency intimated his intention to take immediate measures for the erection of the Light Houses with all possible & prudent dispatch of which intention the Council, in view of the urgent necessity which exists for the lights highly approved.

The Council also would add their high sense of the propriety & zeal with which his Excellency has brought this most important measure before Her Majesty's Government, & would respectfully tender their thanks for the patriotic & ready manner in which the Government has responded to His Excellency's Call for aid in this matter.

The Act to provide for the Resignation & Vacancy of seats in the House of Assembly & for the Election of Members on Vacancies was read a Second time. The Council then adjourned to Monday next.

## Monday, the 18th day of July, 1859

- The Council met this morning pursuant to adjournment the Governor being present and the following members: Messrs. Finlayson, Work, Fraser, Cameron.
- The Act to provide for the Resignation & Vacancy of seats in the House of Assembly & for the Election of Members on Vacancies, was read a third time & passed the Council.
- The License Bill which passed the Council July 7th inst. and subsequently received certain amendments in the House of Assembly was again laid before the Council.

His Excellency & the Council were of opinion that the Amendments of the Assembly had introduced certain inconsistencies into the Bill, & materially altered its character; but owing to the non-existence of any law upon the subject for the present guidance of the magistrates, who were to hold an adjourned meeting for the purpose of granting licenses on the 21st inst., & to the impossibility of procuring another meeting of the House before that time, owing to the absence of some of ye members, it was the opinion of the Council that the Bill should pass as amended in the Assembly; & the rather 10 as the whole subject would have to be revised by the Legislature at no distant period.

On these considerations therefore the Bill, as amended by the House received the assent of ye Council.

<sup>10</sup> I.e., the more so.

"An Act to regulate the admission of Barristers, Attornies, & Solicitors of Colonial Courts, And Solicitors of the Supreme Court of Scotland in the Supreme Court of Civil Justice of Vancouvers Island," was introduced & read but owing to Some imperfections in the drafting of the Bill it was withdrawn for improvement.

A discussion arose on the Competency of the Legislature to deal with this subject which question was decided by a reference to a communication addressed to the Governor by the Colonial Secretary who informed his Excellency that he had received a petition from the attornies of the Supreme Court of Edinburgh complaining that they were debarred from practising in the Courts of Vancouvers Island to which he had made reply that he would address the Governor on the subject with a view to its being brought under the consideration of the Legislature of the Colony whose province it was to grant them this permission. His Excellency had replied to this communication, suggesting that the proposed measure might be so framed as to give admission to Colonial Barristers as well as to the applicants referred to.

(For Minute on Custom House Defalcations see Minutes of next Meeting.)

The Council then adjourned to Thursday next at 11 o'clock.

## Thursday, the 21st day of July, 1859

- The Council met this morning pursuant to adjournment, the Governor being present and the following members: Roderick Finlayson, John Work, Donald Fraser.
- The following minute omitted at the last meeting was read.

His Excellency laid before the Council (July 18. 1859) a Memorial addressed to the Governor & Council by Mr. Anderson, in reference to the investigation now pending into the Custom House Defalcations.

The Council declined entertaining, or passing any opinion on a Subject which they conceive to belong only to the Executive, & not to Come under their province as a legislative body.

- The Paper prepared by Mr. Fraser in accordance with the Minutes of Council of July 14 embodying the sentiments of the Council on the Subject of alterations in the system of disposing of the Crown Lands in this Colony was read & highly approved of by the Council and received the Signatures of the members present.
- The Act to admit Barristers &c. in the Supreme Court of Civil Justice was read a second time.
- The Subject of devising Ways & Means for carrying on the Expenses of the Government was again introduced before the Council by his Excellency who Enquired whether the Committee appointed July 8th inst. had taken the subject

into consideration. The Committee replied that not being possessed of any statistical information as to the amount of landed & other property in the Colony, they had not as yet been able to form any estimate on the Subject.

His Excellency then ordered from the Land Office the following returns:

- 1. Of the Rural Land sold in Vancouvers Island since the Commencement of the Colony, in the respective Districts separately stated.
- 2. Of the number of Town Lots sold in Victoria & other Towns of Vancouvers Island during the Same period.
  - 3. Of the number of suburban Lots Similarly stated.

The Council then adjourned to Tuesday next (July 26) at 10 A.M.

### Tuesday, the 26th day of July, 1859

The Council met this morning pursuant to adjournment; but owing to the number of members present being insufficient to form a quorum, the Council did not proceed to business, but was adjourned to Thursday next at 10 A. M.

# Thursday, the 28th day of July, 1859

- The Council met this morning pursuant to adjournment the Governor being present and the following members: Messrs. Finlayson, Work, Fraser.
- The "Bill to enforce the Completion of Streets" was read a second time & largely discussed.

The Council being of opinion that the operation of the Bill would in many points of view be oppressive, & disapproving generally of its principle, it was ordered to be laid upon the Table for revision.

The subject of portions of the Old Saanitch Road, of which Government Street is a continuation, having been Sold by the Colonial Surveyor, was discussed; in reference to which his Excellency & the Council were of opinion that both on account of that road having been used as a public highway, having been improved at the public expense, as well as that it was the most convenient & suitable road as a continuation of Government Street, and an avenue into the Saanitch District, it was to be regretted that the Sale had been made. His Excellency, who had not been made aware of the transaction, had always been of opinion that Government St. should form the continuation of the road from the Saanitch Country to the sea, in the same manner as Fort St. was the proper Continuation of the road from the Country in that direction.

His Excellency then appointed Mr. Finlayson, & Mr. Fraser, a select Committee to make Enquiry of the Surveyor, Mr. Pemberton, on the following points:

- 1. As to the reasons for which the land in question had been sold.
- 2. As to the terms on which it might be bought back.

- 3. On the Subject of an official grade for all the Streets of the Town. The hardship & injury often accruing to owners of property from the want of an official grade, was insisted on in the Council, & various cases in point cited.
- The Council was informed from the Surveyor that the return of Land Sales (ordered July 21) was not yet ready.
- His Excellency then proceeded to lay before the Council information which he had received of the disembarcation, on the 20th inst. of American Troops on the Island of San Juan with a bastion, guns, ammunition &c.

His Excellency was of opinion that this was an attempt to intimidate the Government into a Compromise, & that, while the wisest & most temperate measures Should be adopted, the firmest attitude should be maintained by the representatives of Her Majesty's Government.

His Excellency also informed the Council that he had just appointed Major de Courcy, to be Justice of the peace for the Island of San Juan, and had despatched him thither in HMS Satellite with instructions to warn off unauthorised persons from squatting on the grounds in question, & having thus taken such steps as the emergency seemed immediately to require, he wished to have the assistance and advice of the Council on the Subject.

A long & anxious discussion then ensued, the Council being deeply sensible of the magnitude & importance of the Crisis.

The discussion referred mainly to the following points

- 1. As to who were entitled to make complaint against Squatters.
- 2. As to the jurisdiction of the magistrate to take cognisance of proceedings in case of trespass.
- 3. An alleged reason given by the Americans for the invasion, namely, that it was necessary for the purpose of protecting themselves against the Indians.
- 4. A suggestion that, not the magistrate, but the occupier of the lands, should warn off intruders.
- 5. As to whether any arrangements had been come to between the Governments for the mutual occupation of the Island, pending the adjustment of the boundary question.
- 6. As to the terms & interpretation of the treaty itself, and the present State of the negotiations, in reference to which, Mr. Young, Secretary to the Boundary Commission, who was introduced to the Council by his Excellency, gave much interesting and valuable information.

His Excellency also referred to a correspondence which had taken place in 1855 between Governor Stevens and himself, in reference to the Seizure of a number of sheep on San Juan Island, the property of the Hudson Bay Company, by an alleged official of the American Government, in which he, Governor Douglas, had remonstrated against the act, to which Governor Stevens had returned an evasive reply; & the matter was still under the Consideration of the two Governments.

The Bill for the Admission of Barristers was read a third time.

Two main objections were waged against the Bill:

- 1. It would admit a Class of lawyers not acquainted with practice of the English Law.
- 2. A class of lawyers whose interest it would be to Encourage litigation.

An objection was made also to the clause which provided that the Judge should examine and decide on the claims of the Candidates for admission; on the grounds that this might give occasion to arbitrary measures. It would be preferable that the form & scope of the Examination should be prescribed by some fixed regulation, & according to this the claims of candidates should be decided.

The Bill was then referred for Revision.

The Council was then adjourned till further notice.

## Saturday, the 3rd day of September, 1859

The Council met this morning pursuant to notice, the Governor being present and the following members—Messrs. Work, Finlayson, Fraser.

The Governor proceeded to lay before the Council "A Bill to amend the Law relating to the Representation of Vancouvers Island and its Dependencies."

The Bill was read a first time, and a discussion took place on certain of its points but no material alteration was agreed upon.

The Council then adjourned to Monday next at 10 A. M.

# Monday, the 5th day of September, 1859

The Council met this morning pursuant to adjournment the Governor being present & the following members: Messrs. Finlayson, Work, Fraser.

Chief Justice Cameron who on account of his being required to preside at the Supreme Court this morning was unable to remain at this Meeting was present at its commencement & Signified his general concurrence with the "Bill to amend the Representation of Vancouver Island" which was read a first time at the last meeting.

This Bill was again under the Consideration of the Council and read a second time.

The "Bill for the Passage of an Act respecting Marriages in the Colony of Vancouvers Island & its Dependencies" as amended by the House of Assembly was under the consideration of the Council, and with the following words, rejected by the House of Assembly, namely "Parties may give what additional remuneration they think fit" Expunged, was duly passed.

The Bill for the Passage of an "Act respecting the property of Religious Institutions in the Colony of Vancouvers Island and its Dependencies" was read and with the following addition, made by the House of Assembly, namely "Nothing in this Bill shall empower any Trustees of any Religious Body to Construct or occupy land for burial purposes within Towns or Cities in Vancouvers Island or its Dependencies," was duly passed.

The Council then adjourned to to-morrow morning at 10 o'clock.

### Tuesday, the 6th day of September, 1859

The Council met this morning pursuant to adjournment the Governor being present & the following members: Messrs. Finlayson, Work, Fraser.

The Bill to amend the Law relating to the Representation was read and duly passed.

The Bill for the Admission of Barristers was again under consideration, & received certain verbal amendments.

The Council then adjourned till further notice.

## Monday, the 12th day of September, 1859

The Council met this morning pursuant to notice the Governor being present & the following Members: Messrs. Finlayson, Work, Fraser, Chief Justice Cameron.

The Governor laid before the Council the following Bills

- 1. "A Bill to make provision for the registration of Voters"
- 2. "A Bill to increase the number of Representatives of the people of this Colony in the House of Assembly."

which were read a first time.

Adjourned to Tuesday Sepr. 13, at 101/2 A.M.

## Tuesday, the 13th day of September, 1859

The Council met this morning pursuant to adjournment the Governor being present & the following Members: Messrs. Finlayson, Work, Fraser, Chief Justice Cameron.

The "Bill to make provision for the Registration of Voters" and "The Bill to increase the number of Representatives" were again under the Consideration of the Council and passed.

The Council then adjourned till further notice.

### Saturday, the 22nd day of September, 1859

The Council met this morning pursuant to notice.

Present: H.E. The Governor, Honbles. John Work, Donald Fraser.

The Governor brought before the Council a Communication from the House of Assembly, forwarding a Petition from certain inhabitants of Vancouvers Island to the House praying for an alteration in the present Land System, and also an Address from the House to the Secretary for the Colonies on the Same Subject.

On consideration The Council is of opinion that a reduction of the price of the Public Land to actual settlers is a very necessary measure; but that if such reduction be made, means should be adopted to prevent the Land becoming the subject of Speculation to the prejudice of persons desiring to settle in the Country, and to improve the soil; Such as a certain amount of cultivation being effected within a given period &c. &c.

The Council then adjourned until Monday next the 24th instant at 10 o'clock, A.M.

### Monday, the 24th day of October, 1859

The Council met this morning at 10 o'clock pursuant to adjournment.

Present: H.E. The Governor, Honbles. John Work, David Cameron, Donald Fraser, The following two Bills sent up from the House of Assembly, vizt. "A Bill to make provision for the Registration of Voters, and for other purposes relating thereto" and "A Bill to increase the number of Representatives of the People of this Colony in the House of Assembly" were both approved, finally passed by the Council, and assented to by His Excellency the Governor.

"The Bill to amend the Law relating to the Representation of Vancouver's Island and its Dependencies," also sent up from the House of Assembly, was brought under the notice of the Council by His Excellency, and after discussion was approved with the Amendments of the House, except as respects the qualification of occupiers reduced by the House from £20 to £12, and the Freeholders' qualification also reduced by the House from £100. to £20., both of which the Governor and Council are unanimously of opinion should be left at the higher rates.

The Bill ordered to be returned to the House for re-consideration on these two points.

- "A Bill for the protection of the Wooden Bridges in Vancouvers Island and its Dependencies" Sent up from the House, read a first time.
- "A Bill for the passage of an Act to regulate the Interest of Money in the Colony of Vancouver's Island, and its Dependencies," Sent up from the House, read a first time.

The last Bill, above mentioned, amended, and read a Second time.

The Council then adjourned until Wednesday the 26th instant at 10½ oclock A.M.

# Wednesday, the 26th day of October, 1859

The Council met this morning at 10½ o'clock pursuant to adjournment.

Present: H.E. The Governor, Honbles. John Work, David Cameron, Donald Fraser.

"The Bill for the protection of the Wooden Bridges in Vancouver's Island and its Dependencies" Read a Second time and Amended, and after Amendment, Read a third time and passed.

"The Bill relating to Interest of Money" as amended, read a third time and passed. The Council then adjourned, Sine die.

## Thursday, the 3rd day of November, 1859

The Council met this morning at 11 oclock pursuant to a notice issued on the 31st ultimo, for the Special purpose of meeting the House of Assembly in Conference on the Amendments of the House on the Representation Bill as respects the Qualification of Occupiers, reduced by the House from £20 to £12. and that of Freeholders reduced from £100. to £20.

Present: His Excellency The Governor, Honbles. John Work, Donald Fraser, Chief Justice Cameron, and the following Members of the House of Assembly: Mr. Speaker Helmcken, Messrs. J. W. McKay, J. D. Pemberton, T. J. Skinner, and J. Yates.

His Excellency after introducing the business of the Conference, and remarking that although in view of the various limitations of the franchise secured by other provisions of the Bill, he personally saw little danger likely to accrue from the proposed reductions, others were not of the same opinion; he concluded by saying that whatever they should mutually agree upon in this conference, he would assent to. His Excellency then retired.

After a lengthened discussion, in which the Members of both Houses agreed on the expedience of altering the phraseology of that part of the Bill which related to the qualification arising from a "Beneficial" interest in a freehold Estate, in order to avoid the danger of several votes accruing from the same property,

The Speaker informed the Council that the Members of the House of Assembly were willing to agree to the following Compromise, namely, that the qualification of Voters in respect of Rental should be £12., and in respect of Freehold property £50.

The Council, although opposed to the proposed reductions, both on principle, and also on the consideration that the qualifications in question were those chosen by the House itself, yet seeing that the House was prepared rather to sacrifice the Bill than consent to any further modifications, and being at the same time of opinion that a further delay would create a Serious impediment to

the public business, gave their assent to the proposition of the House, Simply on the grounds of Expediency.

The Council then adjourned to 3 o'clock P.M. to receive the Bill from the House, with the Said Amendments introduced.

At 3 oclock p.m. the Council resumed its sitting.

Present: H.E. the Governor, Hons. J. Work, D. Fraser.

The Amended Bill as agreed upon by the Council and passed by the Assembly, received His Excellency's Assent, and The Council then adjourned 'till further notice.

### Wednesday, the 7th day of December, 1859

The Council met this morning pursuant to a notice issued yesterday for the Special purpose of attending on the occasion of His Excellency's proroguing the House of Assembly.

Present: His Excellency the Governor, Honbles. John Work, Rodk. Finlayson, Donald Fraser, and the following Members of the House of Assembly, Mr. Speaker Helmcken, Messrs. J. D. Pemberton James Yates, T. J. Skinner, J. W. McKay.

His Excellency then proceeded to address the House.

After adverting to their lengthened Session and the rapid progress of the Colony during the concluding period of it, and thanking them for their assistance in the conducting of the public business, he expressed a hope that the various constituencies would do their duty and return representatives who would carry out such measures as the circumstances of the Colony required; particularly as relating to the Encouragement of Agriculture; the development of fisheries; and other natural resources of the Country; Education, Roads, &c.

The Secretary to the Council then Announced, that by His Excellency's Command, the House of Assembly was prorogued until Thursday the 2nd of February next.

The Members of the House of Assembly then withdrew.

"The Bill to remove the remains of deceased persons from a deserted burial ground &c." was read and discussed; but inasmuch as it did not provide for any period within which the bodies must be removed, it was rejected.

The Council was of opinion that the bodies might be removed simply by the authority of the Executive.

The Council then adjourned until further notice.

### Thursday, the 1st day of March, 1860

The Council met this morning pursuant to notice issued.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Members attended His Excellency to the Court House, and were present on the occasion of the opening of the First Session of the Second House of Assembly.

On the conclusion of His Excellency's address, the Members withdrew and the Council broke up.

### Wednesday, the 7th day of March, 1860

The Council met this day.

Present: Honbles. Rodk. Finlayson, Donald Fraser, Chief Justice Cameron.

The Council proceeded to consider the subject of an Address to the Governor in reference to His Excellency's Speech on the Opening of the Session on March 1st, a copy of which was before the Council.

It was moved by Mr. Finlayson and Seconded by Mr. Fraser, that the following Address be presented to His Excellency:

To His Excellency James Douglas, Esqre. C.B. &c. &c. &c. Governor of Vancouvers Island.

The humble Address of the Legislative Council of the Colony of Vancouvers Island, May it please Your Excellency,

The Legislative Council begs respectfully to acknowledge the receipt of Your Excellency's Speech on the opening of the present Session of the Legislature, and to tender you the thanks of the Council therefor.

The Council avails itself of this opportunity of Expressing its satisfaction at the general progress and improving condition of the Colony; and trusts that many of the measures referred to in Your Excellencys Speech will tend to advance its various interests.

The Council begs to Assure Your Excellency that it is prepared to give its earnest attention to the Consideration of the Measures recommended by Your Excellency; and that its deliberations will be directed solely with the view of promoting the public good.

Carried unanimously.

It was then notified to the Governor that the Council were prepared to present the Address.

On His Excellency's arrival in the Council Chamber, The Honble. Rodk. Finlayson read the Address.

The Governor replied that he had great satisfaction in receiving the Address of the Council, and that he should have much pride and pleasure in conveying to Her Majesty the information that Her faithful Council in Vancouvers Island were prepared to co-operate in measures affecting the public good.

The Council then adjourned.

### Monday, the 26th day of March, 1860

The Council met this day at 3 oclock P.M. pursuant to notice issued.

Present: His Excellency the Governor, The Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron, Donald Fraser.

The Governor brought under the notice of the Council, the question of the price of public land in the Colony.

The Council are unanimously of opinion that a low price—say 4/. an acre, combined with occupation and improvement, would conduce to the general settlement of the Country.

But the Council recommends that if the price is reduced, such conditions shall be imposed as will prevent large quantities of land being bought for Speculative purposes, to the prejudice of persons of limited means wishing to obtain land at a low price to cultivate it.

A plan of pre-empting land, the Council is of opinion, would also enhance the benefits of a low price of land, as it would enable a Farmer to take immediate possession without having to wait for Surveys; but the land must be so selected as not to leave out Rocks, Swamps &c. &c.

The quantity to be pre-empted by each pre-emptor, the Council thinks should be 160 Acres.

Although advocating a low price, the Council would object to tying up *all* the waste land of the Crown under a pre-emption system. They would wish that such a system would be established as would enable a capitalist to procure extensive quantities of land when required for laudable objects. Cases of this sort might be charged *more* than 4/. an acre, and conditions might be attached to them to prevent abuse. Power should be given to some body to regulate such cases.

The Subject of the Fees of the Courts of Law was discussed, and adjourned 'till next meeting of Council.

[Memo.] a copy of this days Minutes Enclosed in Despatch to the Duke of New-castle March 29th 1860.

# Saturday, the 7th day of April, 1860

The Council met this day pursuant to notice issued.

Present: His Excellency the Governor, Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

His Excellency proceeded to lay before the Council, 1st An Address of the House of Assembly dated 2nd April 1860, asking him to order the lines of Road in the Several Districts therein mentioned to be definitely laid down. 2nd A Correspondence which has passed between Captain Stamp and His Excellency on the subject of a Contemplated Settlement on the Western Coast of Vancouver's Island.

- 1. The Council unanimously approve of the measure proposed by the House in reference to the laying down the lines of Road, and beg to recommend His Excellency to call upon the landowners of the respective Districts to meet and elect a Committee of Three of their number for the purpose of carrying out the objects of the Address, and of reporting upon the same to His Excellency.
- 2. The Council having carefully read the Correspondence with Captain Stamp, and having seriously considered the subject to which it relates, unanimously approve of His Excellency's action thereon; the Council being of opinion that the carrying out the proposed enterprise will be of the highest benefit to the Colony, and is deserving of every encouragement.
- The discussion on the subject of the Fees of the Courts of Law, was resumed and deferred for the revision of certain items in the Submitted Schedules.
- The question as to whether the Council had authority to exercise Executive as well as Legislative functions was discussed and deferred to the next meeting.
- The Council then adjourned to Tuesday next at ½ past 10 o'clock A.M.

## Tuesday, the 10th day of April, 1860

- The Council met this morning pursuant to adjournment, His Excellency the Governor being present, and the following Members: The Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.
- The Council having again considered the Rules of Court, and the Fees of Court &c. &c. as set forth in the Schedules annexed thereto, do approve of the Same.
- The Council adjourned until further notice.
- Memorandum. the Minutes of Council, from July 5th 1859 to April 10 1860 inclusive, copied, and transmitted to the Secretary of State, by the Mail of 20th April, 1860.

# Tuesday, the 1st day of May, 1860

The Council met this morning pursuant to notice issued.

- His Excellency the Governor being present, and the following Members, the Honbles. Rodk. Finlayson, John Work, Donald Fraser, C. J. Cameron.
- The Governor laid before the Council "A Bill to prevent the use of Stove-pipes, and render Compulsory the Building of Brick and Stone Chimnies within certain limits of the Town of Victoria", which had passed the House of Assembly.

The Bill was read a first time, and ordered to be read a Second time at the next Meeting of Council.

The Council then adjourned until further notice.

### Wednesday, the 20th day of June, 1860

The Council met this morning pursuant to notice issued.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser, Chief Justice Cameron.

This being the Anniversary of Her Majesty's Accession, the Council did not proceed to business, and adjourned to tomorrow at 11 oclock, A.M.

#### Thursday, the 21st day of June, 1860

The Council met this Morning pursuant to adjournment.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser.

The Honble. Chief Justice Cameron being detained by business in the Supreme Court, there was no quorum present, and The Council adjourned until Friday the 22nd instant.

#### Friday, the 22nd day of June, 1860

The Council met this morning pursuant to adjournment.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser, Chief Justice Cameron.

Subjects under discussion.

- 1. "A Bill to provide for the Administration of Oaths in the House of Assembly, and the production of Evidence before Committees of the Same" was read a first time.
- 2. "The Bill to prevent the use of Stove Pipes and render compulsory the building of Brick and Stone Chimneys within certain limits of the Town of Victoria." It was moved and Seconded that this Bill be read a Second time, and considered with the Bill to incorporate Victoria.
- 3. An Address of the House of Assembly dated 18th June 1860, to His Excellency the Governor in the terms following,

No. 9.—This House respectfully requests His Excellency the Governor to permit the official proceedings of the Council (or Upper House) of this Colony to be Conducted with the Same publicity as attends the Sittings of the Legislative Assembly of this Colony,

having been Submitted to the Council by His Excellency the Governor for Consideration.

The Council, after considering the Same, is of opinion that the Said Address, from its terms, does not apply to this Council; as, this Council (or "Upper House" as the Honorable the House of Assembly designates the Council) being

an independent Legislative Body, it has, as such, no "official proceedings" which His Excellency the Governor can "permit to be conducted with publicity."

It is ordered that the Clerk do furnish His Excellency with a Copy of this

Resolution.

The Council then adjourned to Monday, the 25th instant at 2 o'clock P.M.

## Monday, the 25th day of June, 1860

The Council met this day pursuant to adjournment.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser.

The Council Adjourned 'till tomorrow in consequence of the detention of Chief Justice Cameron to a late hour in his Court.

### Tuesday, the 26th day to Friday, the 29th day of June, 1860

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Council engaged in Committee on the Bill undermentioned.

The Council having resolved itself into a Committee of the whole to consider "The Bill to provide for the Administration of Oaths in the House of Assembly and the production of Evidence before Committees of the Same." It was moved, Seconded and carried unanimously "That the 'Title' of the Bill do Stand."

It was moved, Seconded and carried unanimously, that the first Eighteen words of the Preamble do stand, and that after the word "Oaths" the words "or affirmations" be added; That the two words following, vizt. "to Members" do stand; That the remaining words of the Preamble be omitted, and the following inserted, "of the House of Assembly of Her Majesty's Colony of Vancouver Island, and to Witnesses before Election Committees of the same: And whereas doubts exist as to the power of the Clerk of the Said House to administer Such Oaths and Affirmations and as to the power of the Chairmen of Election Committees of the said House to administer such Oaths or Affirmations as may be necessary for the efficient discharge of the duties of such Committees." That the word "Therefore" be inserted at the beginning of the enacting Clause.

It was moved, seconded and Carried unanimously, That the whole of Clause First of the Bill be omitted, and the following words inserted; vizt.: I. "That from and after the passage of this Act, the Honorable the Speaker, the Clerk, and the Sergeant at Arms of the said House of Assembly, shall have and may exercise the same powers in administering Oaths or Affirmations and all other powers as are by Law conferred upon, possessed and Exercised by Similar

Officers of the House of Commons of the Imperial Parliament of the United Kingdom of Great Britain and Ireland."

It was moved, Seconded, and carried, That Clause Second of the Bill be omitted, and the following inserted, vizt. II. "That the Chairman and Members of Election Committees shall have and may Exercise, and they are hereby empowered to Exercise, the Same powers and to administer Such or similar Oaths or Affirmations as are required and allowed by Law to Chairmen and Members appointed by the said House of Commons to enquire into Controverted Elections."

It was moved, Seconded and Carried That Clause Third of the Bill be omitted, and the following inserted, vizt. III. "That the Chairmen of Select Committees of the Said House of Assembly shall also have and may Exercise, as such Chairmen, the same and as full powers as are given to Chairmen of Select Committees of the Said House of Commons."

It was moved, Seconded and carried, That the whole remaining portions of the Bill, including the Schedules thereto annexed, be omitted, and the following inserted, vizt. IV. "And, That the form of the Oaths and Affirmations, Warrants, Summonses, Orders and other forms necessary for the due execution of this Act shall be Similar in the like cases, and have the Same force and effect as those used in the Said House of Commons, or as nearly as Circumstances will permit."

Read a Third time and passed, this 29th day of June A.D. 1860. The Council Adjourned sine die.

## Tuesday, the 3rd day of July, 1860

The Council met this morning pursuant to notice issued.

Present: His Excellency the Governor, Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The following Bills were laid before the Council by His Excellency the Governor and read a first time.

- 1. "The Currency Bill."
- 2. "A Bill for the protection of the Members of Fire Companies of Victoria."
- 3. "A Bill to extend the provisions of the Joint Stock Companies Acts 1856, 1857 and 1858, to Vancouver Island and its Dependencies."

The Council adjourned to Tuesday the 10th instant, at 3 o'clock p.m.

## Tuesday, the 10th day of July, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The "Currency Bill" was brought up for a Second reading.

On reading the order it was moved, Seconded and carried unanimously "That this Bill be read a Second time this day Six months."

- "The Bill for the protection of the Members of Fire Companies of Victoria", was read a Second time, and ordered to be considered in Committee on Thursday next the 12th instant.
- "The Bill to extend the provisions of the Joint Stock Companies' Acts 1856, 1857 and 1858 to Vancouver Island and its Dependencies" was read a Second time, and ordered to be considered in Committee, clause by clause, on Thursday next the 12th instant.
- "A Bill to promote improvement in the breed of Live Stock in the Colony of Vancouvers Island" Was read a first time.
- The Honble. Chief Justice asked leave to bring in a Bill to provide for the deficiency of lawful Money in the Currency of the Colony.

Granted, and ordered to be brought in accordingly.

In connexion with the Fire Companies Bill, it was agreed that the President of the Council should request the favor of the attendance of the Foremen of the two Fire Companies and of the Hook and Ladder Company, at the Council Chamber on Thursday, next, at 12 o'clock.

The Council then adjourned to Thursday next the 12 instant, at 12 o'clock.

In conformity with the resolution in the last paragraph of the Minutes, the following circular was addressed to each of the undermentioned gentlemen, vizt.

Wm. Pickett, Esquire, Foreman of the "Union Hook & Ladder Company." James E. Wolfe, Esquire, President of the "Deluge Engine Company." Thomas H. McCann, Esquire, President of the "Tiger Engine Company."

(Copy)

Council Chamber Victoria, Vancouver's Island 10th July 1860.

Si

I am directed by the President of the Legislative Council of Vancouver's Island to request the favor of your attendance at the Council Chamber, James' Bay, on Thursday next at 12 o'clock, to furnish such information as you may be possessed of, to the Council in Considering

"The Bill for the protection of the Members of the Fire Companies of Victoria" now before the Council.

You will please to bring with you the Bye-Laws, or the Rules and Regulations of your Company, if there are any such in Existence.

I have the honor to be Sir, Your most obedient Servant (Signed) Joseph Porter.

### Thursday, the 12th day of July, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

The Council resolved itself into a Committee to consider "The Bill for the protection of the Members of the Fire Companies of Victoria", and Examined two witnesses at length.

The Council then adjourned to Tuesday the 17th instant at 1 o'clock P.M.

## Tuesday, the 17th day of July, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

Evidence was taken on the Subject of "The Bill for the protection of the Members of the Fire Companies of Victoria."

"A Bill to declare certain Foreign Coins a Lawful Tender", (introduced by Chief Justice Cameron) was read a First time.

The Council adjourned to Friday, the 20th instant, at 3 o'clock P.M.

# Friday, the 20th day of July, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting were read and approved.

On the order of the day for the 3rd Reading of the "Bill for the protection of the Members of Fire Companies of Victoria", It was moved by Chief Justice Cameron that the IX Section may be amended by inserting the words "Shall continue and be in force for One Year from the passing thereof, and" after the word "Act" in the first line.

Seconded by Hon. Rodk. Finlayson, and carried unanimously.

The Bill was then read a third time and passed.

"An Act to declare certain Foreign Coins a Lawful Tender", was read a second time, and ordered to be considered in Committee.

The Council adjourned to Tuesday next the 24th instant at 3 oclock P.M.

### Tuesday, the 24th day of July, 1860

The Council adjourned, by reason of there not being a quorum present, to Friday the 27th instant.

### Friday, the 27th day of July, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of the last Meeting having been read and approved.

The consideration of "The Bill to Extend the provisions of the Joint Stock Companies Acts 1856, 1857 and 1858 to Vancouver Island and its Dependencies" was resumed in Committee, and the following amendments unanimously agreed to;

Section 2nd was struck out, and the other numbers altered accordingly.

To Section 3rd the following words were added, at line 1, after the words "by the"—42nd Section of the Joint Stock Companies Act 1856."

To Section 6th the following words were added, "provided that all powers or functions assigned to any Judge or Court of Justice in England by any of the Said Acts, shall be Exercised by the said Supreme Court; And if in any of the said Acts different modes of procedures are required to be pursued in England or in any other part of the United Kingdom the procedures required in England shall, Subject to the last preceding provision, be pursued in Vancouver's Island and its Dependencies."

The following was inserted as Section 11th of the Act, namely, "11th The enactment as to the payment of Money, which by Section 83 of the Said Joint Stock Companies Act 1856 is required to be made to the Bank of England, shall at the discretion of the Said Court in lieu thereof be paid into any Incorporated or Chartered Bank carrying on business in the Colony of Vancouvers Island".

The Bill was then ordered to be engrossed.

"An Act to declare certain Foreign Coins a lawful tender," was considered in Committee; amended; brought up as amended; ordered to be engrossed, and to be read a Third time at the next meeting of Council.

The Council adjourned to Tuesday next the 31st instant at 3 o'clock P.M.

### Tuesday, the 31st day of July, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read and approved.

The consideration of "The Bill to Extend the provisions of the Joint Stock Companies Acts 1856, 1857 and 1858 to Vancouver Island and its Dependencies" was resumed, and the following Amendments unanimously agreed to,

Section III. amended to read as follows, "The 42nd Section of the said Act 1856 shall be amended by omitting the words 'the United Kingdom' and inserting in lieu thereof the words 'Vancouver Island and its Dependencies'."

Section XI. amended to read as follows, "All monies received as mentioned in Section 83 of the said Joint Stock Companies Act 1856 shall, in lieu of the Banks therein mentioned, be paid into any Incorporated or Chartered Bank carrying on business in the Colony of Vancouver Island."

The Bill, as amended, was read a Third time, and passed.

"The Bill to declare certain Foreign Coins a Lawful Tender" was read a Third time, and passed.

The Council then adjourned to Tuesday, the 7th August, at 3 oclock P.M.

# Tuesday, the 7th day of August, 1860

The Council adjourned, by reason of there being no business before it, until Tuesday the 14th instant, at 3 o'clock P.M.

### Tuesday, the 14th day of August, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting were read and approved.

The following Acts, received from the House of Assembly, vizt.

1st "An Act to apply the Sum of £9364. out of the General Revenue &c. &c."

2.—"An Act for the payment of Certain Salaries."

3.—"An Act to Apply the Sum of £3207:14:1. out of the General Revenue &c. &c."

4. "A Bill for rendering the administration of Justice in minor Criminal cases more Speedy and certain."

were read a First time, and ordered to be brought up for Second reading on Thursday the 23rd instant.

The Council adjourned to Thursday the 23rd instant, at 3 oclock P.M.

### Thursday, the 23rd day of August, 1860

There being no quorum, The Council adjourned to Tuesday the 28th instant at 3 o'clock P.M.

### Monday, the 27th day of August, 1860

The Council met this day at 3 o'clock P.M. pursuant to notice issued.

Present: His Excellency the Governor, and the following Members, Honbles. R. Finlayson, Donald Fraser, John Work, Chief Justice Cameron.

The following Bills were taken up for Second Reading.

- 1. "An Act for the payment of Certain Salaries."
- 2. "An Act to apply the sum of £3207:14:1. out of the General Revenue &c."
  - 3. "An Act to apply the Sum of £9364. out of the General Revenue &c."
- The following Bills, sent up from the House of Assembly, were read a first time.
  - 1. "An Act to improve the Streets in the Town of Victoria".
  - 2. "An Act to make provision for the Pilotage of the Harbours of Victoria and Esquimalt."
- The Council then adjourned to tomorrow, Tuesday the 28th instant, at 1 oclock P.M.
- Previous to the Adjournment, His Excellency the Governor informed the Council of his intention to proceed to British Columbia tomorrow, where he would be absent for some weeks; further that the Admiral had been notified to the Same effect; and that the Senior Member of Council would act for the Governor in his absence.

# Tuesday, the 28th day of August, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The following Bills were read a Third time and passed,

- 1. "An Act for the payment of Certain Salaries."
- 2. "An Act to apply the Sum of £3207:14:1 out of the General Revenue &c."
- 3. "An Act to apply the Sum of £9364. out of the General Revenue &c." "An Act to improve the Streets in the Town of Victoria", was read a Second time.

It was moved, Seconded and Carried That the Rules be Suspended, to permit the "Act to improve the Streets in the Town of Victoria" to be read a Third time, on account of the urgency of the measure.

"An Act to improve the Streets in the Town of Victoria" was read a Third time, and passed.

The Council adjourned until further notice.

### Thursday, the 30th day of August, 1860

The Council met this day, pursuant to the request of the Honble. Chief Justice Cameron.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Honorable the Chief Justice stated that he had received from, and was authorized by His Excellency the Governor, to hand a letter, of which the following is a copy, to the Honorable Roderick Finlayson, the Senior Member.

Government House August 28th 1860

Sir

As it is probable that many Bills of great importance and urgency, may be brought before the Council during my absence from Vancouver Island, I hereby empower and authorize you to give my assent to the Same, Provided always, that you be satisfied that any delay in their coming into operation would be prejudicial to the interest of the Colony; and Provided they contain nothing that is repugnant to the Laws of England, and contrary to my instruction from Her Majesty the Queen.

I have the honor to be Sir Your obedient Servant (Signed) James Douglas Governor.

To the Honble. Roderick Finlayson Senior Member of the Council.

The Council then adjourned to Friday the 31st instant at 1 o'clock P.M.

# Friday, the 31st day of August, 1860

The Council met this day at 1 o'clock P.M. pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

Mr. Finlayson, the Senior Member of Council, informed the Council that His Excellency the Governor having left the Colony for a short period, as appears by his letter in the Minutes of yesterday, he, Mr. Finlayson, has undertaken to perform the duties and functions of Governor, in virtue of Said letter, and of the 40th Section of Her Majesty's Instructions to the Governor.

The Council then adjourned till further notice.

### Wednesday, the 12th day of September, 1860

The Council met this day, pursuant to notice issued.

Present, Honbles. Roderick Finlayson, Senior Member, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

- The following Bills sent up from the House of Assembly, were brought before the Council;
  - 1. "A Bill to authorize and regulate the Sale of Fermented and Spirituous Liquors," read a first time.
  - 2. "A Bill to provide for the Repair Improvement and Regulation of Roads in Vancouver Island and its Dependencies," read a first time.
  - 3. "An Act to levy an Annual Tax of £1. per centum on the value of all Real Estate in the Colony of Vancouver Island and its Dependencies"; read a first time, and ordered to be printed.

The Council then adjourned to Tuesday next the 18th instant.

# Tuesday, the 18th day of September, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Senior Member, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The following Bills, vizt. 1. "The Road Act 1860" and 2. "The Bill to authorize and regulate the Sale of Fermented and Spirituous Liquors"; were read a Second time, and ordered to be considered in Committee at the next Meeting of Council.

The Council then adjourned to Wednesday the 26th instant.

# Wednesday, the 26th day of September, 1860

There being no quorum present the Council adjourned to Tuesday October 2nd 1860.

### Tuesday, the 2nd day of October, 1860

There being no quorum present, the Council adjourned until further notice.

### Wednesday, the 10th day of October, 1860

The Council Met this day pursuant to notice issued.

- His Excellency the Governor being present, and the following Members: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.
- The "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors", was considered in Committee, brought up, read a third time, and passed, with a Rider to be added Explaining that the "fermented liquors" mentioned in Clause 3, of Section 1, Shall be construed to mean Wines of any description.
- "The Act to impose certain Duties in respect of certain trades and occupations", was read a First time.
- "An Act for erecting and maintaining a Beacon Light at the entrance of the Harbor of Victoria," was read a First time.
- "A Bill to provide for the repair, improvement, and regulation of Roads in Vancouver Island and its Dependencies" was ordered to be Engrossed, and further considered in Committee.

The Council adjourned until tomorrow, Thursday October 11th at 1 o'clock P.M.

# Thursday, the 11th day of October, 1860

- The Council met this day at 1 o'clock P.M. pursuant to adjournment, His Excellency the Governor being present and the following Members, Honbles. Rodk. Finlayson, John Work, Donald Fraser.
- "An Act to impose certain Duties in respect of certain Trades and occupations" was read a Second time.
- "An Act for Erecting and maintaining a Beacon Light at the entrance of the Harbor of Victoria" was read a Second time.

The Council then adjourned until Friday the 12th instant at 1 o'clock P.M.

# Friday, the 12th day of October, 1860

The Council met this day at 1 o'clock P.M. pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The "Road Act 1860" was considered in Committee.

The "Trade Licenses Act 1860" was considered in Committee, brought up, read a Third Time, and passed, with a recommendation that the House of Assembly shall be pleased to add to the Preamble thereof the following words, vizt. "Within the Colony of Vancouver Island and its Dependencies".

And to the Enacting Clause after the word "Assembly", shall add "of Vancouver Island and its Dependencies".

And after the word "following" in the fourth line of the First Clause, add the words "in the Said Colony and its Dependencies".

And after the word "advance" in the 9th line of the Same Clause, shall add the words "to and".

The Council then adjourned until Wednesday the 17th instt. at 1 o'clock P.M.

### Wednesday, the 17th day of October, 1860

The Council met this day, pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The following Acts were received from the House of Assembly,

- 1. "An Act prohibiting the Sale or gift of Intoxicating Liquors to the Indians"
- 2. "An Act to declare certain Foreign Coins a Lawful Tender," returned Amended.
- "The Bill to regulate the Sale of Fermented and Spirituous Liquors," passed, with a Rider, in Council the 10th of October, was received from the House of Assembly with the following Resolution.

That this House is of opinion that the Amendment to the Act to authorize and regulate the Sale of Fermented and Spirituous Liquors, sent down by the Honorable Council, virtually alters the scale of taxation in that Act fixed by this House; and this House is also of opinion that the acceptance of Such an Amendment would be a surrender of its most important Privilege, and must therefore decline to consider the Same.

The Council then adjourned until Friday the 19th instant, at 1 o'clock, P.M.

# Friday, the 19th day of October, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

- "The Indian Liquor Act 1860" sent up from the House of Assembly, was read a First time.
- "The Act to declare certain Foreign Coins a Lawful tender" was taken up and discussed.
- The Council then adjourned to Thursday next, the 25th instant at 1 o'clock P.M.

### Thursday, the 25th day of October, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

The following Bills were received from the House of Assembly, vizt.

- 1. "An Act to confirm certain persons in the fee-simple of the Real Estate which they now hold."
- 2. "A Bill to declare the limitation of certain causes of Action and Suit".
- "The Indian Liquor Act 1860" was read a Second Time.
- "The Act to confirm certain persons in the fee Simple of Real Estate" was read a First Time.
- "A Bill to declare the limitation of Certain causes of Action and Suit" was read a First Time.
- "The Road Act 1860" was considered in Committee.

The Council then adjourned until Tuesday the 30th instant at 2 o'clock P.M.

### Tuesday, the 30th day of October, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser. 11
The Minutes of last Meeting having been read.

The following Bills were received from the House of Assembly, vizt.

- 1. "A Bill to provide for the Yearly Registration of Voters, and other purposes relating thereto."
- 2. "An Act to amend the Scale of Fees charged for the entrance and clearance of Vessels; licenses to Scows, boats and other craft; and dues for landing permits; as well as other matters relating to the same in the Port of Victoria including Esquimalt."
- 3. "An Act to authorize the raising of a loan of £10,000 upon the security of the Dues and Monies levied by virtue of the 'Victoria and Esquimalt Harbor Dues Act 1860'."
- "The Act to confirm certain persons in the fee-simple of Real Estate," was read a second time.
- "A Bill to declare the limitation of certain causes of Action and Suit," was read a Second Time.
- "The Indian Liquor Act 1860" was read a Third time and passed.

<sup>11</sup> Cameron's name was originally listed among those present on this day, and 13 and 19 November but was subsequently struck out and initialled by Cameron.

"The Victoria and Esquimalt Harbour Dues Act 1860", was read a First time.

"The Act to authorize the raising of a Loan of £10,000 on Harbour Dues" was read a First Time.

"The Bill to provide for the Yearly Registration of Voters," was read a First Time.

The Council then adjourned until Friday the 2nd November, at 1 o'clock P.M.

### Friday, the 2nd day of November, 1860

The Council met this day pursuant to adjournment.

Present: Hons. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

"The Bill to provide for the Yearly Registration of Voters," was read a Second time, and appointed to be considered in Committee, at next Meeting of Council.

The Council then adjourned to Tuesday the 13th Instant.

### Tuesday, the 13th day of November, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

"The Act for the improvement of the Harbor of Victoria, and the removal of the present Victoria Bridge," with the accompanying plan &c., was received from the House of Assembly.

The said Act was read a First time.

"The Road Act 1860" was considered in Committee, clause by clause, and the Council resolved to return the same to the House of Assembly with a suggestion, that, as the Act imposes a commutation in Money for labour, it might be construed to come within the category of a Money Bill, the House shall be pleased to reconsider the same, and adopt the Amendments of the Council thereon.

The Council then adjourned to Monday next the 19th instant.

### Monday, the 19th day of November, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

"The Victoria and Esquimalt Harbour Dues Bill 1860" was read a Second time, and the following Amendments were proposed, Seconded and carried,

In the Enacting Clause, at line 4, after the word "the" and before the word "consent"—insert the words "advice and".

In clause V. at line 18, strike out the word "price" and insert in lieu thereof the word "sum".

In clause VI. at line 14, after the word "goods" insert the words "so landed".

"The Victoria Harbor Act 1860" was read a Second time, and the following amendment was proposed, seconded and carried;

In the Enacting Clause, at line 4, after the word "Assembly" insert the words "of Vancouver Island and its Dependencies".

"An Act for rendering the Administration of Justice in Minor Criminal Cases more speedy and certain" was read a Second time, and the following Amendments were proposed, seconded and carried.

In the enacting Clause, at line 4, before the word "consent" insert the words "advice and" and at line 5, after the word "Assembly" add the words "of Vancouver Island and its Dependencies."

The following clause to be added to the Act, "Clause 9. This Act may be cited as 'The Minor offences Act 1860'."

"The Limitation of Foreign Actions Act 1860" was read a Third time, and the following Amendment was carried.

In the Enacting Clause, at line 4, after the word "the" insert the words "advice and"

And the Act as so Amended—passed.

"The Act to confirm certain persons in the fee-Simple of Real Estate" was read a Third Time, and the following Amendments were proposed, Seconded and carried.

In the Preamble, at line 18, after the word "Same" insert the words "in good faith."

In Clause I. at line 5, strike out the words and figures "1st January 1860" and insert in lieu thereof the words "passage of this Act", and

In Clause XI. (short title) strike out the words "fee simples" and insert in lieu thereof the word "Titles".

And the Act as so amended—passed.

"An Act to amend the Registration of Voters Act 1859" was introduced by Mr. Fraser, and Read a First Time.

- On motion of Mr. Fraser, the order for going into Committee on the "Bill to provide for the Yearly Registration of Voters" was discharged.
- "An Act to make provision for the Pilotage for the Harbours of Victoria and Esquimalt", was read a Second time, and ordered to be considered in Committee.

The Council then adjourned to Wednesday the 21st instant, at 1 o'clock P.M.

### Wednesday, the 21st day of November, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

- 1. "The Victoria and Esquimalt Harbour Dues Act 1860" was read a Third Time and passed.
- 2. "The Victoria Harbour Act 1860" was taken up and considered, and the following Amendments were proposed, Seconded and Carried, vizt.

After the word "certificate" and before the word "in" on the 4th line of Clause XII. to insert the words "Signed by The Governor and Sealed and countersigned by the Colonial Secretary of Vancouver Island"—

to add Form A to the Schedule to the Bill appended;-

to strike out the letter E and to insert the letter B in the 23rd line of Clause XIII.

The Bill was then read a Third Time and passed.

"The Minor Offences Act 1860" was read a Third time and passed.

"The Annual Registration of Voters Act 1860" was read a Second time.

"The Real Estate Tax Act 1860" was read a Second time, and the following Amendments proposed, seconded and carried, vizt.

In the last line of the Preamble to the Bill after the words "Her Majesty" insert "Her Heirs."

In the Enacting Clause after the word "advice" insert "and consent."

In the 12th line of Clause III after the words "Her Majesty" insert "her Heirs."

In the second line of part 5 Clause XVI strike out the words "upon oath." In the last line of Clause XX Strike out the word "land" and insert the words "Real Estate."

"The Road Act 1860" was read a Third time and passed.

The Council then adjourned until Friday the 23rd instant at 1 o'clock P.M.

### Friday, the 23rd day of November, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser.

The Minutes of last meeting having been read.

- "The Victoria Bridge Removal Act 1860" was read a Second Time, and evidence taken as to the Sufficiency of the proposed Bridges, and as to the eligibility of the proposed line of new Road. The Bill was then ordered to be considered in Committee at next meeting of Council.
- "The Real Estate Tax Act 1860" was taken up, reconsidered, and the following Amendments proposed seconded and Carried in addition to the amendments made at last meeting of Council, vizt.,

To fill up the blank in line 3, of Clause XXXII by inserting the words "commit or allow".

The Bill was thereafter, with the several Amendments thereto, read a Third time and passed.

The order to consider "The Voters Registration Act 1860" was discharged, and it was moved Seconded and carried "That the Bill be read again this day Six Months."

"The Annual Registration of Voters Act 1860" was read a third time and passed. The Council then adjourned until Monday the 26th instant at 1 o'clock P.M.

# Monday, the 26th day of November, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

"The Victoria Bridge Removal Act 1860" was taken up and considered in Committee, and Evidence taken upon the plans and Specifications, and the further consideration of the Bill postponed until the next meeting of Council.

The Council then adjourned to Thursday next the 29th instant, at 1 o'clock P.M.

### Thursday, the 29th day of November, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last meeting having been read.

"The Victoria Bridge Removal Act 1860" was further considered in Committee, and additional evidence taken upon the subject of the plans and Specifications.

The Bill was ordered to be further considered; and one of the plans ordered to be amended.

His Excellency the Governor laid before the Council a paper embracing a plan to promote the Settlement of the Colony, by rendering more Easy and liberal the mode of obtaining Agricultural Land in Vancouver Island and its Dependencies, to which His Excellency begged the earnest and Serious consideration of the Council.

The Council received His Excellency's paper on the above Subject, and it was ordered to be taken into consideration at next meeting.

Mr. Cameron filed the following Protest, which was ordered to be entered on the Journals,

I dissent to the passage of the Bill entituled "A Bill to provide for the Repair, Improvement, Laying out, and Regulation of Roads, in Vancouver Island and its Dependencies"—as a Law for this Colony, for the following reasons,

First. Because the Laws already in existence if enforced relative to the repairs of Highways, are effectual and sufficient to meet the necessity for which this Bill has been introduced. With regard to these and all other Laws, I may observe that it was determined long ago and laid down as a Rule by the Lords of the Privy Council, "That if there be a new and uninhabited country found out by English Subjects, as the Law is the birthright of every Subject, so, wherever they go they carry their Laws with them, and therefore such new found Country is to be governed by the Laws of England".

On this Rule it is my duty to hold that the Laws of England in existence at the reading of Governor Blanshard's Commission (on his arrival here) were by that very act, established as the Laws that were thenceforth to govern this Colony, and it therefore follows that the Laws of England relating to highways are now in existence, and merely wait the action of the Executive to put them in operation.

Second. Because this Bill revives the system of Statute Labour for the repairs of Highways, which has been abolished in England since the year 1835 by the 5 & 6 Will. [William] IV. ch. 50. It was there found from the evidence of persons of the greatest practical experience that there was not only a great waste of labour on the Highways under this system to the great disadvantage of the Public, but also that it was impossible to adopt the improvements which had been so successfully introduced on other Roads in various parts of the Kingdom. This reason is equally cogent here against its revival, as from the greatly enhanced cost of labour the Public interest will suffer more from its waste.

Third. Because the mode in which this Bill directs the assessment of the Tax of labour to be made is most grievously unequal: inasmuch as the Six days labour or the composition therefor of six shillings and three pence per day is to be assessed without reference to the value of property; so that in fact the poor man who rents a small house and lives only by his daily labour, must contribute the same quantity of labour or money as his richer neighbour who is the possessor of land (it may be all in cultivation) to the extent of One Hundred Acres with a substantial Dwelling House, outhouses, Barns, and Live Stock thereon, altogether amounting to great value.

Fourth. Because the Town of Victoria is excepted from the operation of the Bill. If it is not equitable for the Town, it can scarcely be equitable for the Country.

Fifth. Because the provision for recovering unpaid compositions for the labour Tax by selling the Lands of defaulting parties who may be absent from the Colony, or who may not have sufficient foods and chattels to satisfy a distress, is totally unknown and repugnant to the laws of England. It will destroy the rights of third parties who may have an interest in the land by way of Reversion or Remainder, and effectually reduce its value as a Security for money in the estimation of the Capitalist.

Sixth. Because that this great change in the Law for the recovery of Taxes, affecting as it does all the Laws relating to Real Property, is foreign to the Bill and tacked on without notice in the Title or Preamble, a practice which has been denounced by High Authority as unparliamentary and tending to the destruction of the Constitution.

(Signed) Davd. Cameron Chief Justice.

The Council then adjourned until Monday next the 3rd December at 1 o'clock P.M.

### Monday, the 3rd day of December, 1860

The Council met this day pursuant to adjournment.

Present: The Honbles. Rodk. Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

The following Bills were received from the House of Assembly.

"A Bill to facilitate the transfer of Real Estate and the Registration of Titles."

2. "A Bill to incorporate the Victoria Gas Company."

"The Victoria Bridge Removal Act 1860" was then taken up and the following Amendments thereto, and to the Specification marked Schedule C. and to the plans accompanying the Bill, were proposed Seconded and Carried.

Amendments to the Bill.

- 1. To add to the Enacting Clause the words "advice and" before the word "consent".
- 2. To strike out the word "Communication" and insert the words "Road and Bridges" in the 2nd and 3rd lines of Section III. To add the words "According to the Specification hereto annexed" after the word "Completed" in the 2nd line of the Same Section.
- 3. To add the word "thereof" after the word "piles" and before the word "or" on the 13th line of the Same Section; and to Strike out the words "so as to leave no part thereof projecting above the bed of the Harbour" from the last line of the Same Section.
- 4. To insert the words "bond with" after "a" and before "sufficient" on the 6th line of Section IV.
- 5. To Strike out the word "further" from the last line but one of the Same Section.

Amendments to Plans & Specifications,

- 6. That 15 inch piles be used, (instead of 12 inch, as proposed).
- 7. That the depth from highwater mark to the foundation shall be shewn on a drawing.
- 8. That the proposed Grade and relative levels of the Bridges for 50 yards at Each End of both, be shewn on the Plan marked "Trial Section for Road."
  - 9. That the centre Span of both Bridges shall be not less than 35 feet.

- 10. That Iron Bolts shall be used to fasten the caps of the Pile Heads (instead of Spikes as proposed).
- 11. That a substantial Draw which will work Easily, and with little labour, be placed in each Bridge, as the Council Considers Draws in the Bridges essential for the public convenience.
- 12. That the junction of the New Road with the present Esquimalt Road, at or near the point marked E on Plan A shall be exactly opposite the point of divergence of the alteration in the Esquimalt Road from the present one, which is in contemplation to be made to the Southward of the Esquimalt Road, with the view of avoiding the hill or hills near Mr. Russell's House.

The plans having been altered and amended in Committee, and a "view of the Draws" and a "Trial Section for the Road" having been Supplied to the Council, the Bill with the above Amendments thereto, and to the plans and Specifications which are taken to be and considered as part of the Bill itself, was read a third time and passed.

"The Victoria Gas Company's Act 1860" was Read a first time.

"The Land Registry Act 1860" was read a first time.

"An Act to confirm certain Titles to real property in Vancouver Island" was introduced by Mr. Fraser, and Read a first time.

The Council then adjourned 'till tomorrow, Tuesday the 4th instant at 1 o'clock P.M.

## Tuesday, the 4th day of December, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

"An Act to confirm certain Titles to real property in Vancouver Island" was read a Second time.

"The Victoria Gas Companys Act 1860" was read a Second time.

The Council then adjourned to Wednesday Decr. 5th at 1 o'clock P.M.

# Wednesday, the 5th day of December, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

The following amendments to the "Bill to incorporate the Victoria Gas Company" were moved Seconded and Carried.

- 1. To strike out Clauses I, II, III, of the Bill.
- 2. To strike out 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th and 16th and to insert in lieu thereof before each Clause, beginning with Clause 4th,—1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th and 13th.
- 3.—To insert at the beginning of clause 1st as amended, the words "The said Company" and to strike out the words "the said Company" on the Second line of the same Clause.
- 4. To Strike out the words "requiring the same" from the 8th line of Clause 2nd as amended.
- 5. To insert the word "cubic" after the word "thousand" and before the word "feet" on the 3rd line of Clause 3rd as amended.
- 6. To insert at the end of the same clause (and as an addition thereto) the following words "and shall supply as much Gas as may be required for lighting the Streets of Victoria within 50 feet of any Main laid by the Company at the price of £1.5s/-. per thousand cubic feet."
- 7. To insert the word "Gas" after the letter "a" and before the word "Meter" in the 6th line of Clause 4th as Amended.
- 8. To insert the words "accurately measuring" after the word "for" and before the word "the" in the 7th line of the same Clause.
- 9. To insert the words "fair market" after the letter "a" and before the word "price" in the 8th line of the same clause.
- 10. To insert the word "Gas" after the word "and" and before the word "Meter" in the 11th line of the same Clause.
- 11. To insert the words "nothing herein contained" at the beginning of Clause 7th as Amended.

The Bill was read a third time with the above amendments, and passed.

- "An Act to confirm certain Titles to Real Property in Vancouver Island" was read a third time and passed.
- The Council received a letter from H. E. the Governor, Enclosing two Petitions from the inhabitants of Victoria and Esquimalt, praying that the present Victoria Bridge may not be removed.

The Bill referred to was, however, passed on a previous day, with amendments, and returned to the House of Assembly.

The Council then adjourned until further notice.

# Friday, the 7th day of December, 1860

The Council met this day pursuant to Summons from His Excellency the Governor.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting were read.

The Council having carefully considered the Plan submitted by His Excellency the Governor, on the 29th Ultimo for Pre-empting Crown Lands in the Colony, is of opinion that some system which will encourage the settlement of the waste Lands of the Crown is very desirable to be established. The Council approves of the principle involved in the Plan submitted by His Excellency; and recommends that it be adopted with the modifications suggested thereon, as well as those verbally submitted to His Excellency by the different Members of Council.

"The Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles" was read a Second time.

The Council then adjourned Sine die.

### Wednesday, the 12th day of December, 1860

The Council met this day pursuant to summons from His Excellency the Governor.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last meeting having been read.

The following Acts and Bills were received from the House of Assembly.

- 1. "An Act to amend the Registration of Voters Act 1859" with amendments. The Amendments of the House of Assembly were agreed to, and the Act as Amended, passed.
- 2. "The Victoria Gas Company's Act 1860" with Amendments was considered, and the amendments of the House of Assembly agreed to, and The Bill, as amended, passed.
- 3. "The Victoria Bridge Removal Act 1860"—with the Council Amendments, Agreed to.
- "The Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles" was further Considered in Committee.

The Council then adjourned until further notice.

### Thursday, the 20th day of December, 1860

The Council met this day, pursuant to summons issued.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron. The Minutes of last Meeting having been read.

The following Acts were received from the House of Assembly.

1. "An Act to authorize the Governor of Vancouver Island and its Dependencies to grant certain privileges to the Constructors of a Powder Magazine" which was read a first time.

- 2. "An Act to confirm certain titles to real property in Vancouvers Island" the same having been agreed to in the House of Assembly.
- "The Bill to facilitate the transfer of Real Estate, and to provide for the Registration of Titles" was further considered in Committee; was amended, brought up, ordered to be Engrossed and read a third time on Monday next.
- The Rules of Council were Suspended, and the "Powder Magazine Act 1860" was read a Second time, and ordered to be considered in Committee on Monday next.

The Council then adjourned to Monday 24th December.

### Monday, the 24th day of December, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

"The Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles" was read a third time and passed.

The Council then adjourned to Wednesday the 2nd January 1861.

#### Wednesday, the 2nd day of January, 1861

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

- "An Act to afford redress to persons whose property is damaged by Animals trespassing within Enclosures" was received from the House of Assembly, and read a First time.
- Moved by Mr. Finlayson and carried unanimously, "That Mr. Porter who has been acting as Clerk of the Council for some time past, shall be paid a gratuity of Fifty Pounds Sterling out of the money voted for the use of the Council."

The Council then adjourned to Friday next the 4th instant at 2 o'clock P.M.

# Friday, the 4th day of January, 1861

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The Resolution returned from the House of Assembly with the "Bill to regulate the Sale of Fermented and Spirituous Liquors" received on the 17th of October last was taken into consideration.

It was moved by Mr. Cameron, That the Bill be returned to the House of Assembly with the following Resolution.

Resolved, that the Council, disclaiming as it does, any wish to infringe on any privilege that the Assembly may possess, is ignorant that the Assembly's privileges are other than those of the Council, except the privilege conferred by a Law passed during the present Session, giving the House of Assembly the power to delegate to Election and Special Committees the same power as is possessed by such Committees of the House of Commons in England. The House of Assembly and the Council alike derive their authority from the same source, vizt. The Commission, and Instructions accompanying it, from the Crown to the Governor; and under that authority have both a similar privilege of freedom of speech and debate. They are two Co-ordinate branches of a Legislature, instituted for the welfare and good government of the Colony; and such being the case, the Council conceives it has as good a right to amend any proposed Law that may be sent from the Assembly to the Council, as the Assembly has to amend any proposed Law that may be sent from the Council to the Assembly. And in the fair exercise of that right, finding that the proposed law or Bill Entitled "A Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors" sent from the Assembly for the concurrence of the Council, contained certain ambiguities which appeared to the Council as likely to mar its working, the Council therefore in passing it, attached a Rider to the Bill explaining those ambiguities. The Council do not wish to impede the passage of the Bill, but consider that it requires amendment in that respect, and therefore return the Bill to the House of Assembly that the House may have an opportunity of amending it by denominating the Fermented Liquors mentioned in Clause 3 of Section 1, by names that the world recognises, vizt. Wine, by the name of Wine; Ale, Beer or Porter, by the name of Ale, Beer or Porter;—Cider, by the name of Cider;—Perry, by the name of Perry; and Ginger Beer, by the name of Ginger Beer. 12

The Resolution having been seconded and Carried.

"The Enclosure Act 1860" was read a Second time.

The Council then adjourned to Monday next the 7th instant at 2 o'clock P.M.

# Monday, the 7th day of January, 1861

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The Bill entitled, "An Act to authorise the Governor of Vanvouver Island and its Dependencies to grant certain privileges to the Constructors of a Powder Magazine" was considered in Committee, amended, and ordered to be engrossed; the Bill was then brought up, read a Third time, and passed.

The Council adjourned until further notice.

 $<sup>^{12}\,\</sup>mathrm{Marginal}$  note in original: "Resolution transmitted to the House of Assembly, 4th January 1861. J.P."

### Thursday, the 17th day of January, 1861

The Council met this day pursuant to notice issued.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The following Communications were received from the House of Assembly vizt.

A letter under date 15th January covering the "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors", returned from the House of Assembly, with remarks on the answer sent to them on the 4th of January by the Council, with said Bill;—which were taken into consideration; and as the House of Assembly requested a Conference on the subject of the Bill, the Council assented thereto, and appointed 2 o'clock P.M. tomorrow, the 18th instant to hold such Conference, in the Council Chamber.

A letter under date 14th January Enclosing the "Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles", as amended by the Council, agreed to by the House of Assembly.

The Council then adjourned to Friday the 18th instant at 2 o'clock P.M.

### Friday, the 18th day of January, 1861

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The Council, in accordance with the request contained in the following Resolution of the House, met the Members of the Assembly in Conference on the "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors."

(Resolution of the House of Assembly).

The House of Assembly having taken into Consideration the Communication of the Hon. Council of the 4th of January 1861, Resolve as follows,

I. That the amendment proposed on the 4th day of January 1861 by the Honorable Council to a "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquor", would effect an alteration in the tax proposed to be levied by the Said Bill.

II. That all Supplies and aids from the Colony of Vancouver Island and its Dependencies for the use of Her Majesty, are the sole gift of the House of Assembly of the said Colony, and it is the undoubted and sole right of the Said House to direct, limit and appoint in the Bills granting such aids and supplies, the ends, purposes, considerations, limitations and qualifications of such grants, which ought not to be changed or altered by the Honorable Council.

III. That this House cannot therefore enter into the consideration of the said amendment.

IV. That this House being as unwilling as the Hon. Council to impede the passage of the said Bill, requests a conference with the Honble. Council at such time and place as the Honorable Council may deem fit.

(After conferring with the Members sent up by the Honorable the House of Assembly, it appearing that there is a misunderstanding of the meaning of the Resolution sent by the Council to the Honorable House on the 4th instant,

the Council wish to explain that in using the word "privileges" as compared with those of the Assembly, they meant the respective privileges of each as two distinct branches of a local Legislature in their peculiar character of Council and Assembly, and not that their privileges are precisely similar.)

The Council then adjourned to Tuesday the 22nd instant at 2 o'clock P.M.

### Tuesday, the 22nd day of January, 1861

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

A Communication was received from the House of Assembly under date 21st January, covering the "Powder Magazine Act 1860", which had been amended and passed by the Council on the 7th January 1861, and was now returned by the House with certain Amendments in which the Council concur.

The Council then adjourned to Thursday the 24th instant, at 2 o'clock P.M.

### Thursday, the 24th day of January, 1861

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of the last Meeting having been read.

A Communication was received from the House of Assembly under date 22nd January, accompanied by a Resolution of the House on the subject of the Minutes of Council of the 18th of January, as follows.

House of Assembly 22nd January 1861

Resolved,

I. That this House regrets that the Minutes of Council of the 18th January 1861 are not sufficiently Explicit with regard to the Exclusive privileges of this House in matters of taxation to justify the House in receding from its Resolution of the 15th of January, and that therefore the Bill be ordered to lie on the Table.

II. That the Honorable Council be requested to fix a further conference with this House on account of the ambiguous language of the Minutes of the Honorable Council of the 18th of January 1861, and for this purpose to name an hour and place convenient to the Honorable Council.

The foregoing Resolution having been read, it was

Resolved, that the Minutes of Council of the 18th of January alluded to in the above Resolution of the Honorable the House of Assembly was explanatory of the Council's Resolution of the 4th of January, relative to the Rider attached to the "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors", then returned to the Honble. House; and which Bill as appears by

the Journals of Council of the 10th of October last was read a third time and passed by the Council with the Rider in question, explaining what the Council supposed the Honorable House to mean by the "fermented liquors" mentioned in Clause 3, of Section I, that the Honorable House might deal with the Bill as they thought proper: and having so passed the Bill, it is not now competent for the Council to deal further with it—unless the Honorable House amends the said Rider and returns it to the Council for their Concurrence. The Council therefore consider it unnecessary to have any further conference with the Honorable House on the Subject.

The Council then adjourned until further notice.

### Wednesday, the 6th day of February, 1861

The Council met this day pursuant to notice issued.

- His Excellency the Governor being present, and following Members: Hons. John Work, Chief Justice Cameron.
- His Excellency informed the Council that he had appointed Alfred John Langley, Esquire to be a Member of Council.
- The Members of Council then attended His Excellency the Governor to the House of Assembly for the purpose of being present at the Prorogation of the House.
- The Members of the House having assembled His Excellency took possession of the Speaking chair, and addressed the Legislative Bodies as follows;

Honourable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly.

In releasing you from the labours of the Session, I desire to express my satisfaction at the result of your deliberations.

It is indeed impossible to review the many important measures which you have passed this Session, without feeling that you have applied yourselves to the performance of your arduous duties with a degree of zeal and assiduity worthy of the highest praise. Those measures embrace almost every department of the public business:—the Free Trade System before initiated has been confirmed, and become an Essential part of our policy; you have also been careful in providing for the better administration of Criminal Justice; the formation of Roads; the improvement of the Harbour of Victoria; the Registration of Titles to Real Estate:—and other useful measures have been passed, which will no doubt tend to promote the permanent interests of the Colony.

The interesting experiment of defraying the expenses of Government by direct taxation so propitiously began, will I trust, not disappoint the anticipations of the Legislature.

Gentlemen of the House of Assembly,

I have to convey to you my warmest thanks for the Supplies which you have granted for the Service of the Year, and for the execution of those Public Works which are essential to the progress of the Colony.

I sincerely hope that the Blessing of Almighty God may rest upon our labours, and render them subservient to the substantial prosperity and well being of the Colony.

The Honble. Chief Justice Cameron then rose and Said,

Gentlemen of the House of Assembly, By Command of His Excellency the Governor, the House of Assembly is hereby prorogued until Wednesday the 3rd day of April next, then and here to meet for the dispatch of business.

His Excellency the Governor, attended by the Members of Council, then withdrew, and the Council adjourned Sine die.

Memo: Minutes of Council from 1st May 1860, to 6 February 1861, both inclusive, Copied and Sent home by the Mail leaving Victoria on the 14th of July 1861.

Joseph Porter Acting Clerk of the Council.

[Minutes of the Council between 6 February 1861 and 19 March 1862 have not been located in either the Provincial Archives of British Columbia, the Public Archives of Canada, or the Public Record Office, London. This period coincides with the Second Session of the Second House, 26 June 1861 to 3 February 1862.]

### Wednesday, the 19th day of March, 1862

The Council met this day pursuant to Summons issued.

Present: Honbles. Roderick Finlayson, Donald Fraser, David Cameron, E. Graham Alston,

The minutes of the Meeting of the 3rd of February having been read and confirmed.

The Members of Council accompanied His Excellency The Governor to The House of Assembly to open the third Session of the Second Parliament.

On the return from the House of Assembly, It was moved, seconded and carried unanimously

That the Council do resolve on this, the first opportunity which occurs after the Meeting of The Legislature, to prepare an Address of condolence to Her most Gracious Majesty The Queen, on the lamented death of the Prince Consort, the Intelligence of which mournful event was received in the Colony during the recess of the Legislature.

Resolved that The Governor's Speech delivered to Parliament this day on the opening of the third Session be taken up at next Meeting of Council.

The Council then adjourned till Friday the 21st Instant at 7. oClock P.M.

### Friday, the 21st day of March, 1862

The Council met this day pursuant to adjournment.

Present: Honbles, Roderick Finlayson, Donald Fraser, David Cameron C.J., E. Graham Alston.

The Minutes of last Meeting having been read, and approved.

The following Address of the Legislative Council was agreed to-

To the Queen's Most Excellent Majesty, Most Gracious Sovereign, May it please Your Majesty.

We the Members of the Legislative Council of Your Majesty's Colony of Vancouver Island, and its Dependencies, in Parliament assembled, beg most humbly to express to your Majesty that we have received, with feelings of profound sorrow, the melancholy intelligence of the premature death of His Royal Highness the Prince Consort; and we now most respectfully tender to Your Majesty, the expression of our deep sympathy, and sincere condolence upon this sad event—a bereavement which we feel to be an irreparable loss to Your Majesty, the Royal Family, and the British Nation.

We desire further, most humbly, to convey to Your Majesty our admiration of the high character of the late lamented Prince: of the Virtues which adorned all the relations of life which he so worthily filled: of his enlightened encouragement of Education, art, and Science: and more particularly of his generous solicitude for the amelioration of the condition of the poor: of his indefatigable, and successful endeavours to promote every good work which could reflect credit, and confer dignity, and honor, upon the British Nation, and contribute to the comfort, happiness, and Moral elevation of all classes of Your Majesty's subjects.

We would also beg to express our sincere feelings of loyalty, and respectful attachment to Your Majesty's August person, and to add our earnest prayer that your Majesty's life may long be spared, and blessed with tranquility; and that Your Majesty may be strengthened by Divine Aid to bear with resignation, this Your Majesty's most afflicting bereavement.

For, and on behalf of the Members of the Legislative Council.

(signed) Roderick Finlayson President

Council Chamber, Victoria Vancouver Island 21st day of March, 1862.

Resolved—That His Excellency the Governor be respectfully requested to have the goodness to forward the foregoing Address for presentation, with a statement that it was agreed to by the Council on the first day of the Meeting of Parliament, after the recess.

The Speech delivered by the Governor on the 19th Instant, and of which a copy was laid on the Table, was taken into consideration;

Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly;

There has been no material change in the condition of the Colony since the close of the last session.

I am happy to inform you that the question which lately assumed so serious an aspect as even to threaten an interruption of the amity existing between Her Majesty's Government, and the Government of the United States of North America, has been satisfactorily settled, and our friendly relations with that Power remain unimpaired.

Her Majesty's Government has caused to be shipped from England for the use of the Volunteer Companies of this Colony, 500 stand of rifles, with ammunition. I shall therefore be enabled to arm, without expense to the Colony, the several Volunteer Companies who with characteristic spirit, and loyalty, have offered their services for the protection of property, and the defence of Her Majesty's Dominions.

I have in accordance with the provisions of the Victoria Harbor Act 1860 appointed Commissioners to report upon the best means of improving Victoria Harbor and I will hereafter lay before you their report upon that subject.

Agrarian dispute endangering the public peace and safety having occurred in Malahat District, I deemed it expedient in order to remove the immediate cause of contention, to enter into arrangements with the Natives for the satisfaction of their claims on the land, on terms agreeable to them and advantageous to the Colony. As an essential part of that agreement I propose that a portion of land shall be reserved and secured for their exclusive use, and benefit: a measure which will remove almost the only cause likely to disturb the general harmony exising between the Settlers and the Natives. Arrangements will, if found necessary, be also made for the Settlement of the native claims in Cowichan District.

Gentlemen of the Legislative Assembly:

In the Estimates for the year, which will soon be laid before you, I have recommended a small pecuniary Aid towards the equipment of the Volunteer Companies; and also a grant in aid of the Fire Companies of Victoria, who are put to much expense in providing for the discharge of their public duties.

I have also proposed an increase in the ordinary grant for educational objects; and in the sums to be applied to the formation and improvement of Roads.

Honorable Gentlemen of the Legislative Council; and Gentlemen of the Legislative Assembly,

The geological formations of Vancouver Island, and the recent discoveries of Copper Ore in Barclay Sound, and other places, having given rise to a high degree of confidence in the Mineral resources of the Colony, I recommend you to

consider whether it would be expedient to investigate the character, and Extent

of those resources, in different parts of the Colony.

As it is evident that persons intending to settle on the Waste lands of the Crown, would derive mutual Aid, and support, and many other advantages, from acting in concert, and combining together in the occupation of land, I propose that suitable Districts should be surveyed in different parts of the Colony, and Roads therefrom opened to convenient points upon the Coast, from whence produce may be transported by water: and as an attractive inducement to Settlers, that they should be allowed the option of paying for their lands by their labor on these Roads. Such a measure will, I conceive, have the effect of advancing the progress of the Colony, and developing its agricultural, and mineral resources.

A Bill for the Incorporation of the Town of Victoria will be again introduced,

and I hope it will be passed at an early period of the Session.

A Bill to reduce, and regulate the Fees payable in the Law Courts; and Bills to facilitate the enjoyment of lands acquired under the Provisions of the Proclamations of the 19th of February, and 21st of March, 1861 to increase the number of Representatives for the Town of Victoria; and to raise a sum of Money by loan secured on the General Revenue, to be applied to the formation of Roads, will be submitted for your consideration.

A scheme for improving the Harbour of Victoria, and other important measures will also be laid before you, as soon as the course of Public business will permit.

The Speech having been read, and discussed.

It was moved, seconded, and carried, that the following Address be presented to His Excellency, in answer to the Speech.

To, His Excellency James Douglas Esquire, Companion of the most Honorable Order of the Bath, Governor, and Commander in Chief of the Colony of Vancouver Island, and its Dependencies; Vice Admiral of the same, &c., &c., &c.

The humble Address of the Legislative Council of the Colony of Vancouver Island.

May it please Your Excellency.

The Legislative Council begs to acknowledge the receipt of Your Excellency's

Speech on the opening of the present Session of the Legislature.

The Council begs respectfully to assure your Excellency that it is prepared to give its immediate attention to the consideration of the various important matters referred to in Your Excellency's Speech; and the Council begs to express to Your Excellency its intention to devote its energies to promote the Interests of the Colony, to the utmost of its ability, and power.

(Signed) Roderick Finlayson President of the Council.

The Council then adjourned until Tuesday the 25th Instant at half past 2. O'Clock.

# Tuesday, the 25th day March, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Donald Fraser, David Cameron C.J., E. Graham Alston.

The Minutes of the last Meeting having been read, and confirmed.

The Members of Council waited upon His Excellency The Governor, and presented the Address in answer to His Excellency's Speech, which had been agreed to at the last Meeting, to which His Excellency made a suitable reply.

The Council then adjourned sine die.

### Friday, the 16th day of May, 1862

The Council met this day pursuant to Summons issued.

Present: The Honbles. David Cameron C.J., E. Graham Alston.

His Excellency The Governor introduced Mr. Alexander Watson as an additional Member of Council; and Mr. Watson having taken, and subscribed the Oath of Allegiance, in the presence of His Excellency, took his seat as a Member of Council, accordingly.

The Minutes of last Meeting having been read, and confirmed.

- A Communication was received from the House of Assembly, accompanying the following Bills of Supply, namely:
  - 1. "An Act to apply the sum of six thousand, eight hundred, and seventy five pounds (£6,875.) out of the General Revenue, for the payment of certain salaries, and expenses for the service of the year One thousand eight hundred and sixty two."
  - 2. "An Act to apply the sum of eighteen thousand, five hundred, and seventy six pounds (£18,576.) out of the General Revenue of the Colony of Vancouver Island, and its Dependencies, to the service of the year One thousand, eight hundred, and sixty two."

Which Bills having been respectively read a first time.

The Council adjourned until Wednesday the 21st Instant at 1. O'Clock P.M.

## Wednesday, the 21st day of May, 1862

The Council met this day pursuant to adjournment.

Present: The Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last meeting having been read, and confirmed.

- "An Act to apply the sum of Six thousand, eight hundred, and Seventy five pounds (£6,875.) out of the General Revenue, for the payment of certain Salaries, and Expenses for the year one thousand eight hundred and sixty two (1862.)" was read a second time.
- "An Act to apply the sum of Eighteen thousand five hundred, and seventy six pounds (£18,576.) out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the year One thousand Eight hundred, and sixty two (1862.)" Was read a second time.
- A communication was received from the House of Assembly enclosing "An Act to authorize the Governor of Vancouver Island, and its Dependencies to borrow money for temporary purposes," which was read a first time.
- The Rules of Council were then suspended, and, The Bills of Supply for the Sums of Six thousand, eight hundred and seventy five pounds (£6.875.) and eighteen thousand, five hundred, and seventy six pounds (£18.576.) were respectively read a third time, and passed.

The following Resolution was then moved, seconded and carried,

Whereas the practice of specifying the Appropriations of Money voted in Bills of Supply in Schedules only attached to such Bills, and of expressing the same in figures only, may lead to error, *Resolved* 

- 1. That the Legislative Council recommend to the Honorable The House of Assembly that, in future, all sums of money, dates, and numerals be expressed in words at length; and that the amounts of all appropriations of money be inserted in the Body of such Bills, and not merely annexed thereto by way of schedule.
- 2. Resolved further, that a copy of this Resolution be transmitted to the House of Assembly, with the Bills of Supply now passed.

The Council then adjourned until Wednesday the 28th at 3 o'clock P.M.

### Wednesday, the 28th day of May, 1862

The Council met this day pursuant to adjournment.

- Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson. The Minutes of last Meeting having been read, and confirmed.
- "An Act to authorize the Governor of Vancouver Island, and its Dependencies to borrow money for temporary purposes," was read a second time.
- The following Bills were received from the House of Assembly—namely,
  - 1. "An Act to authorize the Governor of Vancouver Island, and its Dependencies to borrow the Sum of £20,000. upon the Security of the Revenue of the Colony for the formation of Roads."
  - 2. "An Act to confirm the appointment of certain Members of the Court of Revision under the Real Estate Tax Act, 1860," and
    - 3. "An Act to protect the property of a wife deserted by her Husband." Which three Bills were respectively read a first time.
- The Rules of Council were then suspended, and "An Act to authorize the Governor of Vancouver Island, and its Dependencies, to borrow money for temporary purposes" was Read a third time, and passed.

The Council then adjourned until Wednesday the 4th June, at 3 O'clock P.M.

### Wednesday, the 4th day of June, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read, and confirmed.

"An Act to confirm the Appointment of certain Members of the Court of Revision, under the Real Estate Tax Act 1862" was read a second time.

"An Act to authorize the Governor of Vancouver Island and its Dependencies to borrow the sum of Twenty Thousand Pounds (£20,000.) upon the Security of the Revenue of the Colony for the formation of Roads," was read a second time, and committed—when the following Amendments were proposed, seconded, and carried—vizt.

Clause I. At line 13—Strike out the words "and maintaining."

At line 13, strike out the "Streets" and insert the word "and" in lieu thereof.

At lines 14 and 15 strike out the words "and other similar communications."

Clause II—At line 5—strike out the word "Ten" and insert "seven" in lieu thereof.

Clause IV. At line 2 strike out the words "at a discount" and insert "below par" in lieu thereof.

Clause VII. At line 4—after the word "only" strike out the remainder of the clause.

Clause VIII. At line 2—After the word "Regulations" strike out the words "at such times" "in such sum" "on such conditions," and "in such manner".

Clause X. At line 8, after the word "of" strike out "constructing, and maintaining Roads, Streets, Bridges and other similar communications within the said Colony, and no other," and insert the words "this Act" in lieu thereof.

Clause XI. At line 3, strike out the word "repurchase" and insert "redeemed" in lieu thereof.

Clause XI. At line 8—strike out the word "purchased," and insert "redeemed" in lieu thereof

The Committee then rose and reported progress.

The Act entitled "An Act to protect the property of a wife deserted by her Husband"
—was then read a second time and Committed, and following amendments
were proposed, Seconded, and carried, namely:

At the commencement of the Act the following Title to be placed vizt. "An Act to protect the property of a Wife deserted by her Husband."

Clause I. At line 5 after the word "within" strike out "the jurisdiction of the Chief Justice of."

Clause I. At lines 7 & 8, strike out the words "of Vancouver Island, and its Dependencies."

Clause I. At line 9, after the words "Chief Justice" insert "of the Colony of Vancouver Island."

The Council then adjourned until Wednesday the 11th Instant at 3 o'Clock P.M.

### Wednesday, the 11th day of June, 1862

The Council met this day pursuant to adjournment.

- Present: Honbles. David Cameron, C.J., E. Graham Alston, Alexander Watson. The Minutes of the last Meeting having been read, and confirmed.
- A Bill intituled "An Act to authorize the Chief Justice of Vancouver Island and its Dependencies to make certain necessary appointments," received from the House of Assembly was read a first time, and

A Bill intituled "An Act to enable the Surveyor General of Vancouver Island to authorize the closing of part of the old Saanich and Burnside Road; also known as the North Road" received from the House of Assembly was read a first time.

- "An Act to confirm the appointment of certain Members of the Court of Revision under the Real Estate Tax Act 1860," was read a third time and passed.
- "An Act to authorize the Governor of Vancouver Island and its Dependencies to borrow the Sum of Twenty thousand Pounds (£20,000.) upon the security of the Revenue of the Colony for the formation of Roads" was read a third time and passed as amended.
- "An Act to protect the property of a Wife deserted by her Husband," was read a third time, and passed, as amended.
- It was proposed by Mr. Alston, and seconded by Mr. Cameron, and carried,

"That His Excellency the Governor be respectfully requested to furnish the Council with a Copy of the Instructions issued by the Home Government relating to the constitution of the Legislative Council of Vancouver Island."

The Council then adjourned until Wednesday the 18th Instant at 3. oClock P.M.

# Wednesday, the 18th day of June, 1862

The Council met this day pursuant to adjournment.

- Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson. The Minutes of the last Meeting having been read and confirmed.
- "An Act to authorize the Chief Justice of Vancouver Island, and its Dependencies to make certain necessary appointments," was read a second time, and committed.
- "An Act to enable the Surveyor General of Vancouver Island to authorize the closing of part of the old Saanich, and Burnside Road, also known as the North Road," was read a second time, and committed.
- "An Act to enlarge the time limited by the Victoria Gas Company's Act 1860; and the Victoria Gas Company Extension Act 1861 for the Establishment of Gas works and buildings by the Victoria Gas Company," received from the House of Assembly—was read a first time.

"A Bill to incorporate the City of Victoria," was received from the House of Assembly, but the Council was unable to proceed with the Measure on account of the unintelligible manner in which the Bill was sent up, and the Clerk was ordered to send the following letter to the House of Assembly.

Council Chamber June 18 1862

To The Speaker and Gentlemen of the House of Assembly—Gentlemen.

I am directed by the Legislative Council to acknowledge the receipt of a letter from the Clerk of the House of Assembly transmitting "a Bill to Incorporate the

City of Victoria."

2. I am also directed to enclose the Bill so received, and to state that the Council will not receive Bills in the condition of the one now sent; and that they cannot proceed to the consideration of the matter until a fair copy of the Bill, as passed by the House of Assembly, properly engrossed, be transmitted.

I have the honour to be, Gentlemen Your most obedient, and humble servant,

(sg'd.) Joseph Porter—
Acting Clerk of the Council.

The Plan A referred to in the Schedule does not accompany the Bill.

The Council adjourned until Wednesday the 25th Instant at 3. oClock P.M.

### Wednesday, the 25th day of June, 1862

The Council met this day pursuant to adjournment, and, There being no quorum present, adjourned until Friday the 27th Instant at 1. o'Clock P.M.

### Friday, the 27th day of June, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Daniel [David] Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read, and confirmed.

- A communication from the House of Assembly dated 24th June 1862, enclosing "a Bill to incorporate the City of Victoria" was received, and, "A Bill to incorporate the City of Victoria," was read a first time.
- Mr. Alston gave notice of his intention to introduce a "Bill to amend an Act for the preservation of Game."

The Standing Orders having been suspended, the Bill was brought in, and read a first time.

The Council then adjourned until Monday the 30th Instant at 1. oClock P.M.

### Monday, the 30th day of June, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read, and confirmed.

"An Act to authorize the Chief Justice of Vancouver Island, and its Dependencies to make certain necessary appointments" was considered in Committee, and the following Amendments made, vizt.

In the Preamble—at line 54 strike out the words "to convey such land"—and insert "to perform the duties of such Office" in lieu thereof.

In Clause IV. at line 2—after the word "Crown" insert "seized under a Writ of Extent, and sold by Order of the Supreme Court of Civil Justice under the said recited Statute 25. G. [George] III. C. 35."

Clause IV. at line 8 after the word "subject" insert "nevertheless."

Clause IV—at lines 10 & 11, strike out the words "existing in this Colony at the date of this Act" and insert "of this Colony."

The Bill was then brought up, read a third time, and passed as amended.

"An Act to enable the Surveyor General of Vancouver Island to authorize the closing up of part of the old Saanich and Burnside Road, also known as the North Road," was considered in Committee, and the following amendments made vizt.

After Clause II insert new Clause III: "Provided always that the said Surveyor General shall cause to be given to every Owner of land, or his Agent, lawfully authorized, through which the New Road is to be made, and through which the Road proposed to be stopped up passes, a notice of his intention to close the said Road and open the new one:-and shall also insert in one or more Newspapers published in the Colony, a public Notice to the same effect, accurately describing the Roads so closed and opened, as aforesaid. Any person feeling himself aggrieved by the closing up of the said Road, may within 14 days after the publication of such notice as aforesaid appeal to the Supreme Court, and shall give Notice of such Appeal to the said Surveyor General; and the Chief Justice of the said Court is hereby empowered to try such Appeal, and make such Order as he shall think fit. Provided always, that if no such appeal be made within fourteen days after the Public Notice aforesaid, this Act shall take effect therefrom, and no Action, Appeal, or other proceeding shall be allowed to be taken, or brought against the said Surveyor General, or otherwise, in relation thereto."

The Bill was then brought up, read a third time, and passed as amended. "An Act to enlarge the time limited by the Victoria Gas Company's Act 1860 and

the Victoria Gas Company's Extension Act 1861, for the Establishment of Gas Works and Buildings by the Victoria Gas Company," was read a second time: afterwards read a third time, and passed.

A Bill to amend an "Act for the preservation of Game" was read a second time; and afterwards considered in Committee, when the following Amendments were made vizt.

In the Preamble—insert "and whereas it is expedient to protect also smaller Birds which subsist principally on noxious insects."

Clause I—Line 4—After the word "robin," insert "or any bird usually [called] by any of these names, or any bird which subsists principally on noxious insects."

The Bill was then brought up, read a third time, and passed as amended. The Council adjourned until Friday the 4th July at 1. oClock P.M.

### Friday, the 4th day of July, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, David Cameron C.J., Alexander Watson.

The Minutes of the last Meeting having been read, and confirmed.

"An Act to establish fire limits within the Town of Victoria," received from The House of Assembly, was read a first time.

The rules were then suspended, and the Bill was read a second time. The Council then adjourned till Tuesday the 8th Instant at 1. o'Clock P.M.

#### Tuesday, the 8th day of July, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, David Cameron C.J., E. Graham Alston, Alexander Watson,

The Minutes of the last Meeting having been read and confirmed.

"An Act to establish Fire limits within the Town of Victoria," was read a third time and passed.

"A Bill to Incorporate the City of Victoria" was read a second time, and committed
—and

The Council adjourned until Friday the 11th Instant at one o'Clock P.M.

# Friday, the 11th day of July, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read, and confirmed.

The following Bills were received from the House of Assembly, vizt.

1. "An Act to enable the Surveyor General of Vancouver Island to authorize the closing of part of the old Saanich and Burnside Road, also known as the North Road," with an Amendment of the House of Assembly to the Council Amendment (of 30th June).

- 2. "An Act to authorize the Appointment of a Sanatory Commission for the Town of Victoria, and to define the powers thereof."
- Upon the question, that "An Act to enable the Surveyor General to authorize the closing of part of the old Saanich and Burnside Road, also known as the North Road" be now read a first time It was moved, and seconded, and carried,

"That a Message be sent to the House of Assembly stating that the Council are unable to agree to the amendment proposed by the Honorable House, for the reason that the rights of the public are not protected thereby."

- "An Act to authorize the Appointment of a Sanatory Commission for the Town of Victoria, and to define the powers thereof," was read a first time.
- A Committee consisting of the Honble. David Cameron, and the Honble. E. G. Alston, was appointed to draw up an "Act to Incorporate the Town of Victoria".

The Council then adjourned until Friday the 18th Instant, at 1. o'Clock P.M.

### Friday, the 18th day of July, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read and confirmed.

"An Act to authorize the Appointment of a Sanatory Commission for the Town of Victoria, and to define the powers thereof," was read a second time.

The Rules were then suspended, and "An Act to authorize the Appointment of a Sanatory Commission for the Town of Victoria, and to define the powers thereof," was read a third time and passed.

The Council then adjourned until Tuesday the 22nd Instant at one o'Clock P.M.

# Tuesday, the 22nd day of July, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read and confirmed.

It was moved by Mr. Finlayson, and seconded by Mr. Watson, "That the House of Assembly be requested to Meet the Council at a conference to be held on the subject of the 'Burnside Road Act' on Friday next at 1. oClock P.M."

The Council then went into Committee on "An Act to Incorporate the City of Victoria," when the following amendment was proposed, seconded, and carried;—

Clause XXVII—At lines 17, 18, 19, and 20, strike out the words "who may act as Treasurer of the said Revenues and Monies of the said Corporation." The Bill was then brought up, read a third time, and passed.

The Council adjourned until Friday the 25th Instant at 1. o'Clock P.M.

#### Friday, the 25th day of July, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read, and confirmed.

The Members of the House of Assembly attended at the Council Chamber to meet the Council in Conference on the question of the amendments to

"An Act to enable the Surveyor General of Vancouver Island to authorize the closing of part of the old Saanich and Burnside Road, also known as the North Road," and also on the question of the Amendments to

"An Act to authorize the Governor of Vancouver Island and its Dependencies to borrow the sum of Twenty Thousand Pounds (£20,000.) upon the Security of the Revenue of the Colony for the formation of Roads."

After fully discussing the question of the "Burnside Road Act," the following Amendment to the Amendment of the House of Assembly was offered.

At line 17—of Council Amendments—after the word "notice" strike out the remainder of the Clause, and subsequent proviso, and insert in lieu thereof "complain to the Surveyor General stating his objections to such new road or the closing of such old Road; and the Surveyor General shall finally decide such complaints and adjudicate thereon."

Agreed to.

On the question of the "Vancouver Island Roads Loan (£20,000.") being considered, It was suggested on behalf of the House of Assembly, that the Bill should, with the consent of both Houses, be withdrawn, and a New Bill introduced.

Agreed to.

The Council then adjourned until Friday 1st August, at 1. o'Clock P.M.

# Friday, the 1st day of August, 1862

The Council met this day pursuant to adjournment, and, There being no Quorum present, Adjourned until Friday the 8th Instant at 1. o'Clock P.M.

#### Friday, the 8th day of August, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron, E. Graham Alston, Alexander Watson.

The Minutes of the Meetings of July 25th and August 1st having been read and confirmed.

- A Communication from the House of Assembly transmitting "An Act to amend the Scale of Fees charged for the Entrance, and clearance of Vessels, Licenses to Scows, boats, and other Craft, and dues for Landing Permits, as well as other matters relating to the same, in the Port of Victoria, including Esquimalt" was received, and the said Act was read a first time.
- It was moved by Mr. Alston, seconded by Mr. Cameron, and carried.

That the attention of His Excellency The Governor be respectfully requested to the Resolution of the Council made on the 11th day of June last, a copy of which is enclosed.

The Council then adjourned until Tuesday the 12th Instant at 3. oClock P.M.

#### Tuesday, the 12th day of August, 1862

The Council met this day pursuant to adjournment.

- Present: Honbles. David Cameron, C.J., E. Graham Alston, Alexander Watson.

  The Minutes of the last Meeting having been read, and confirmed.
- A Message from the Governor enclosing an Extract from Her Majesty's Instructions relating to the constitution of the Legislative Council of Vancouver Island, was received, and ordered to be acknowledged.
- "An Act to amend the Scale of fees charged for the entrance and clearance of Vessels; Licenses to Scows, Boats, and other craft; and Dues for Landing Permits, as well as other matters relating to the same, in the Port of Victoria, including Esquimalt," was read a second time, and committed.

The Council being of opinion that an alteration in the Schedule annexed to the "Victoria and Esquimalt Harbours Dues' Act 1862" would be advisable, it was ordered that a Conference be requested with The Honorable House of Assembly thereon.

The Council adjourned until Friday the 15th Instant at 2. oClock P.M.

#### Friday, the 15th day of August, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson. The Minutes of the last Meeting having been read, and confirmed.

A communication from the House of Assembly agreeing to a conference on the "Victoria and Esquimalt Harbour Dues Act 1862," and appointing the Hour of 2. P.M. this day for holding the same was received, and, The House of Assembly met the Council in conference accordingly.

It was agreed that the Bill should be sent down to the House of Assembly for reconsideration on certain points agreed upon.

The Council then adjourned until Monday the 19th Instant, at 12. o'Clock P.M.

#### Monday, the 19th day of August, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read and confirmed.

A communication from the House of Assembly transmitting the following Resolution,

Whereas a supposition exists that persons commonly known as the Heads of Departments possess a vested interest in, and by virtue of their Office, and that upon any change in the system of Government, such persons will be entitled to a Pension or other emolument on account of such presumed vested interest; and

Whereas an alteration in the System of Government may take place and it is

expedient to remove such aforesaid erroneous impression.

The House orders that all persons now holding Acting Appointments and all persons who may be appointed to any Office under the Government, shall not possess any vested interest whatever in, or by virtue of such Office or Appointment, and that the Legislative Assembly will not hold itself responsible or make any grant for the payment of any Pension or Emolument whatsoever on account of any supposed vested interest in any Office or Appointment.

was received, and ordered to be taken into consideration at a future day.

- An Act intituled "An Act to authorize the Governor of Vancouver Island to borrow the sum of Forty thousand Pounds (£40,000.) on the Security of the General Revenue of the said Colony"; was received from the House of Assembly, and read a first time.
- An Act intituled "An Act to enable the Governor of Vancouver Island to borrow the sum of Fifteen thousand pounds (£15,000.) upon the Security of the General Revenue of the Colony," was received from the House of Assembly, and read a first time.

It was moved, seconded, and carried

That His Excellency The Governor be respectfully requested to furnish the Council with a copy of the Report of the Commissioners appointed under the provisions of the Victoria Harbor Act, 1860.

The Council then adjourned until Friday the 22nd Instant at 1. o'Clock P.M.

#### Friday, the 22nd day of August, 1862

The Council met this day pursuant to adjournment.

- Present: Honbles. David Cameron, C.J., E. Graham Alston, Alexander Watson. The Minutes of the last Meeting having been read, and confirmed.
- A Message from His Excellency The Governor enclosing the Report of the Commissioners appointed under the provisions of "The Victoria Harbor Act 1860," was received, and Ordered to be acknowledged with thanks.
- It was ordered that "An Act to impose certain Stamp Duties on Writings and Deeds" and "An Act to authorize The Governor of Vancouver Island and its Dependencies to Erect a Powder Magazine for the custody of Gunpowder, and to regulate the Sale Storage and Keeping of Gunpowder," which had been sent up from the House of Assembly, should be returned to the House with a request that the sections thereof be numbered, and abstracted.
- It was ordered that a conference be requested with The House of Assembly on the subject of "An Act to authorize The Governor of Vancouver Island to borrow the Sum of (£40,000.) on the Security of the General Revenue of the said Colony," and "An Act to enable The Governor of Vancouver Island to borrow the Sum of (£15,000.) upon the Security of the General Revenue of the said Colony."

The Council then adjourned until Tuesday the 26th Instant at 2. o'Clock P.M.

### Tuesday, the 26th day of August, 1862

The Council met, pursuant to adjournment, this day.

- Present: The Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

  The Minutes of the last Meeting having been read and confirmed.
- The House of Assembly met the Council in Conference according to request, and It was agreed that the two Loan Bills, namely,
  - 1. "An Act to authorize The Governor of Vancouver Island to borrow the Sum of  $\pounds 40,000$ . on the Security of the General Revenue of the said Colony," and
  - 2. "An Act to enable The Governor of Vancouver Island to borrow the Sum of £15,000. upon the security of the General Revenue of the Colony,"

should be returned to the House of Assembly for Amendment.

The Council then adjourned until Friday the 29th Instant at 3. o'Clock P.M.

#### Friday, the 29th day of August, 1862

The Council met this day pursuant to adjournment.

- Present: Honbles. David Cameron, C.J., E. Graham Alston, Alexander Watson. The Minutes of the last meeting having been read, and confirmed.
- "An Act to impose certain Stamp Duties on Writings and Deeds," and "An Act to authorize the Governor of Vancouver Island and its Dependencies to erect a Powder Magazine for the custody of Gunpowder and to regulate the Sale, storage, and keeping of Gunpowder," received from The House of Assembly, with Marginal Abstracts inserted, were respectively read a first time.
- The Council then adjourned until Wednesday the 3rd of September at 3. o'Clock P.M.

#### Wednesday, the 3rd day of September, 1862

The Council met this day pursuant to adjournment.

- Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

  The Minutes of the last Meeting having been read and confirmed.
- A Communication from the House of Assembly was received, enclosing the following Bills,
  - 1. "An Act to authorize The Governor of Vancouver Island to borrow the sum of Forty thousand Pounds (£40,000.) on the security of the General Revenue of the Colony."
  - 2. "An Act to enable The Governor of Vancouver Island to borrow the sum of Fifteen thousand Pounds (£15,000.) upon the security of the General Revenue of the Colony."

which were respectively read a second time.

- "An Act to impose certain Stamp Duties on Writings and Deeds," was read a second time.
- "An Act to authorize the Governor of Vancouver Island and its Dependencies to erect a Powder Magazine for the Custody of Gunpowder; and to regulate the sale, storage, and keeping of Gunpowder," was read a second time.
- The Council then adjourned until Friday the 5th Instant at 2.30 P.M.
- [Memo:] 3rd September, 1862. "An Act for the Preservation of Game" was received from the House of Assembly, with amendments—and said Amendments were agreed to by the Council.

(signed) Joseph Porter
Acting Clerk of the Council.

#### Friday, the 5th day of September, 1862

The Council met this day according to adjournment.

Present: Honbles. Roderick Finlayson, President, David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read and confirmed.

- "An Act to authorize the Governor of Vancouver Island to borrow the Sum of Forty thousand Pounds (£40,000.) on the security of the General Revenue of the said Colony," was read a third time, and passed.
- "An Act to enable the Governor of Vancouver Island to borrow the Sum of Fifteen thousand pounds (£15,000.) upon the security of the General Revenue of the said Colony," was read a third time, and passed.
- Mr. Alston gave notice of a Motion to the following effect, vizt.

"Whereas under the provisions of the Victoria Road, and Harbour Loan Act 1862, amongst other things, it is intended to expend the sum of Eighteen thousand Pounds (£18,000.) on the improvement of Victoria Harbor," Resolved

- 1. "That the Council cannot but view with alarm the expenditure of so large a sum of money for the purpose proposed, and they venture to express a hope that the greatest caution will be used, so that the Revenues of the Colony may not be found to have been appropriated to an object producing only a doubtful, and temporary benefit."
- 2. "That a copy of this Resolution be transmitted to His Excellency The Governor, and to The House of Assembly."

The Council then adjourned until Tuesday the 16th Instant at 2.30 P.M.

#### Tuesday, the 16th day of September, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, President, David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read and confirmed.

- Mr. Alston moved a Resolution of which he had given notice at last Meeting of Council, which after discussion was lost.
- Mr. Alston asked leave to bring in a Bill for the Regulation of the Harbors of Vancouver Island.

Leave having been given, the Bill was brought in, and read a first time.

"An Act to authorize the Governor of Vancouver Island, and its Dependencies, to erect a Powder Magazine, for the custody of Gunpowder and to regulate the sale, storage, and keeping of Gunpowder" then passed to a Committee of the whole and the following amendments were made, vizt.

Clause I—At line 12—after the word "Colony" add "Provided always that such Powder Magazine shall not be erected on any point within Laurel point in the Harbor of Victoria."

Clause VI—At lines 3 and 4, strike out the words "Twelve shillings and six pence" and insert "sixteen Shillings and eight pence" in lieu thereof.

The Council then adjourned until Friday the 19th Instant at 2.30 P.M.

#### Friday the 19th day of September, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, President, David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read, and confirmed.

"An Act to authorize the Governor of Vancouver Island, and its Dependencies, to erect a Powder Magazine, for the custody of Gunpowder; and to regulate the sale, storage, and keeping of Gunpowder," was taken up in Committee, and the following amendments were made.

Clause VIII—At line 5, strike out the word "Tons" and insert "pounds" in lieu thereof.

Clause X—At line 28—After the word "be" insert "conveyed." At line 57—after the word "persons"—insert "under a Warrant from a Justice of the Peace" as is hereinafter "prescribed."

Clause XIV. At line [blank] strike out the word "hereinafter" and insert "hereinbefore" in lieu thereof.

After Clause XV—insert new Clause XVI—"Short Title." "This Act may be cited as 'The Gunpowder Act, 1862'."

The Bill was then brought up read a third time and passed.

"A Bill for the regulation of the Harbors of Vancouver Island" was read a second time.

The Council then adjourned till Tuesday the 23rd instant at 2.30 P.M.

### Tuesday, the 23rd day of September, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Presdt., David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read.

It was ordered that an alteration be made therein with regard to Clause VIII of the "Powder Magazine Act" and that the said Clause should be amended at line 5 by striking out the word "Tons" and inserting "pounds" in lieu thereof.

The Minutes were then confirmed.

- "An Act for the regulation of the Harbors of Vancouver Island," was read a third time, and passed.
- "An Act to impose certain Stamp Duties on writings and Deeds," was then considered in Committee.
- The Committee rose, and reported progress—and Mr. Alston gave notice of a Motion to the following effect

"That in order to provide employment to some extent for those emigrants who have already arrived, and for those who are expected in the Colony, The Government should, if possible, commence without delay, by means of the Loan already authorized to be made the construction of such Public Works, and especially Roads, as may be deemed most urgently required."

"That a Copy of the above Resolution be transmitted to His Excellency The Governor, and to the House of Assembly."

The Council then adjourned until Thursday the 25th Instant, at 2.30 P.M.

#### Thursday, the 25th day of September, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read and confirmed.

- Mr. Alston moved the Resolution of which he had given notice at last Meeting, and which, having been seconded by Mr. Watson, was agreed to.
- The consideration of "An Act to impose certain Stamp Duties on Writing and Deeds," was resumed in Committee.

The Committee rose, and reported progress—and,

The Council adjourned until Friday, October 3rd, at 1. o'Clock P.M.

### Friday, the 3rd day of October, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson President, David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read, and confirmed.

The consideration of "An Act to impose certain Stamp Duties on Writings and Deeds"—was resumed in Committee.

The Committee rose, and reported progress.

Mr. Watson asked leave to bring in a Bill "To prohibit Sunday Trading." Granted.

The Council then adjourned until Wednesday the 10th Instant at 1. oClock P.M.

#### Wednesday, the 10th day of October, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read, and confirmed.

"An Act to prohibit Sunday Trading," was brought in by Mr. Watson, and read a first time.

The consideration of "An Act to impose certain Stamp Duties on Writings and Deeds," was resumed in Committee, and the following Amendments were agreed to, vizt.

Clause II—At line 10—strike out "and one penny."

At line 12, strike out "and two-pence."

At line 14, strike out "and four pence."

At line 16, strike out "and sixpence."

At lines 18, & 19, strike out "and eight pence."

At line 21, strike out "and sixpence."

Clause IV—At line 10, after the word "impressed" strike out "either".

Clause VIII—At line 4, strike out the figures "1861"—and insert "1860" in lieu thereof.

Clause IX—At line 14, Strike out the words "the same" and insert "a Stamp" in lieu thereof.

Clause XII—Insert marginal Abstract "Consideration to be expressed on Instrument."

At lines 3, and 4—strike out the words "heritable or moveable."

Clause XVII—At line 60—after the word "Instrument" insert "other than a".

Clause XVIII Strike out Proviso—commencing at line 55, "Provided always" down to the word "accordingly" at line 120—inclusive.

Clause XIX. At lines 11 & 12, strike out the word "continuance"—and insert "contrivance"—in lieu thereof.

Clause XXI. At line 46, strike out the figures "1861," and insert "1860,"—in lieu thereof.

#### Schedules

A—At lines 9, 10, 11, 12, 13, & 14—Strike out the words "provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for."

C-At line 1-Insert the word "every"-before "agreement."

At lines 1, 2, 3, & 4—Strike out the words "or any minute, or memorandum made in Vancouver Island, or its Dependencies, under hand only."

D—At line 4, Strike out the words "not exceeding"—and insert "under" in lieu thereof.

At lines 5, 6, 7, 8, & 9. respectively strike out the word "exceeding."

At line 4, strike out 1d.

,, 5— ,, ,, 2d. " 6— " ,, 4d.

7— " " 6d. ,, 8— ,, ,, 6d.

,, 9— ,,

" 11— " " 1d.

,, 45— ,, ,, 4d.

E—At line 3—Strike out the word "renunciation."

,, At lines 8 & 9, strike out the words "heritable or moveable."

At line 25—strike out the words "not exceed" and insert "be under" in lieu thereof.

From lines 26, 28, 30, 32 & 34, respectively strike out the words "and when the same shall exceed."

At line 25-strike out "1d."

", ", 27— ", "2d." " 29— " " "4d."

" " 31— " " "6d."

"6d." ,, ,, 33— ,, ,,

,, ,, 35— ,, ,, "1s."

,, ,, 37, ,, ,, "6d."

F—At line 11, strike out the word "quit" and insert "quiet" in lieu thereof. At line 19—strike out the figures "8s. 4d." and the word "and."

At lines 20 and 21, strike out the words "is payable the ad valorem duty also"—and insert "on the purchase money or consideration, or on the mortgage money, shall not exceed the sum of 8s/ a duty equal to the amount of such ad valorem duty<sup>13</sup>—and where the same shall exceed that amount 8s/."

Strike out from line 22—commencing with the word "covenant" to line 79—ending with the word "charged"—both inclusive.

G. At line 5, Strike out "2d."

H—At line 1—After the word "tenements" insert "or."

" , " 2—Strike out the words "or heritable subjects."

" ,, 9—After the word "tenements" insert "or."

" ,, 10—Strike out the words "or heritable subjects."

,, ,, 13, Strike out the words "not exceed" and insert "be under" in lieu thereof.

At lines 15, 17, 19, & 21—respectively strike out the words "and where the same shall exceed."

At line 16, Strike out "1d."

,, ,, 18, ,, ,, "2d."

,, ,, 20— ,, ,, "6d." ,, ,, 22, ,, ,, "1s."

"Strike out from line 25—Commencing with the words "Lease of any" to line 117—ending with "the Lessor"—both inclusive.

<sup>13</sup> Original has closed quotation marks here also, but the meaning is unclear.

I—At line 3—Strike out the words "heritable or moveable."

At lines 17 & 18, strike out the words "Letter of reversion"—"back bond."

At line 38, Strike out the words "not exceeding"—and insert "under" in lieu thereof.

From the commencement of lines 39, 40, 41, 42, & 43, respectively—strike out the word "exceeding."

At line 38—strike out "1d."

At lines 82, 83, 84, & 85—Strike out the words "of the Governor and Company of the Bank of England, or of the Bank of Ireland, or of the East India Company, or of the South Sea Company, or."

At line 86, Strike out the word "other."

", ", 139, After the word "assignment" insert "or."

,, ,, 139, Strike out the words "or assignation."

K—At line 2, Strike out the words "or heritable subjects."

,, ,, 14, Strike out the word "tack."

", ", 19, Strike out "4d."

L. " 8 & 9, Strike out the words "or heritable subjects."

,, ,, 11—Strike out the words "or heritable subjects."

L.—At lines 15, 16, 17, 18, & 19, Strike out the words "of the Governor and Company of the Bank of England, or of the Bank of Ireland, or of the East India Company, or of South Sea Company, or."

At line 19-Strike out the word "other."

M. At lines 12, 13, 14, 15, & 16, Strike out the words "of the Governor and Company of the Bank of England, or of the Bank of Ireland, or of the East India Company, or of the South Sea Company, or."

At line 16, Strike out the word "other."

The Bill was then brought up, and ordered to be read a third time at next Meeting.

The Council adjourned until Wednesday the 15th Instant, at 2. o'Clock P.M.

#### Wednesday, the 15th October, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read, an alteration was ordered to be made therein.

"An Act to impose certain Stamp Duties on Writings and Deeds," was read a third time, and passed.

"An Act to prohibit Sunday Trading," was read a second time.

Mr. Watson asked leave to bring in a Bill to regulate the Currency.

Leave having been granted, "The Currency Act 1862" was introduced by Mr. Watson, and read a first time.

The Council adjourned until Wednesday the 22nd Instant at 2. P.M.

#### Wednesday, the 22nd day of October, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Presdt., David Cameron, C.J., Alexander Watson.

The Minutes of last Meeting having been read, and confirmed.

"The Currency Act 1862" was read a third time and passed.

"An Act to amend the Real Estate Tax Act 1860" and "An Act to encrease the number of Representatives for Victoria Town District, and to alter the limits of the said District," were received from the House of Assembly, and respectively read a first time.

The Council then adjourned until Friday the 21st Instant at 2. o'Clock P.M.

### Friday, the 21st day of November, 1862

The Council met this day pursuant to adjournment.

Present: The Honbles. Roderick Finlayson Presdt., David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read and confirmed.

- "An Act to amend the Real Estate Tax Act 1860," was brought up for second reading—when it was ordered that this Bill be returned to the House of Assembly in order that the Sections may [be] numbered, and abstracted.
- "An Act to encrease the Number of Representatives for Victoria Town District, and to alter the limits of the said District," was read a Second time, and the following Amendment was proposed, seconded, and agreed to,

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Clause V—At line 7—after the figures "1862," insert the words "or in any Schedule to any Act amending the same."

"An Act to authorize the Governor of Vancouver Island, and its Dependencies, to erect a Powder Magazine for the custody of Gunpowder, and to regulate the sale, storage and keeping of Gunpowder"—which has been amended, and passed in Council on the 19th of September and sent down to The House of Assembly on the same day, was returned from the House with the following Minute appended—

Legislative Assembly.

The House agrees to all the amendments of the Honorable Council save and except the one—That twelve shillings and sixpence be altered to sixteen shillings and eight pence;—which the House declines taking into consideration, the same being subversive of the Rights, and Privileges of the Assembly.

Upon the Bill coming up for consideration The Council decided to insist on the Amendment which has not been agreed to by the House of Assembly and a Message was ordered to be sent to the House of Assembly to that effect, and stating that the Council is unable to see how such an Amendment can be subversive of the Rights and Privileges of the House of Assembly.

"An Act to repeal and amend the Laws affecting Trades Licenses" was received from the House of Assembly, and read a first time.

The Council then adjourned until Wednesday the 3rd December at 1. o'Clock P.M.

#### Wednesday, the 3rd day of December, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson Presdt., David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read and confirmed.

The following Communication from His Excellency the Governor was received—

Victoria, 15th November 1862

To—The President and Members of the Honorable The Legislative Council Gentlemen,

I have the honor to acknowledge the receipt of your communication of the 25th September, transmitting a Resolution of the Council relative to the employment of Emigrants in the construction of public Works, and the same shall receive my early, and best attention.

(signed) James Douglas Governor

A communication was also received from the Colonial Treasurer, requesting to be furnished with a detailed Estimate of the probable Income and Expenditure of the Council for the year to commence 1st January 1863.

- "An Act to repeal and amend the Laws affecting Trades licences," and "An Act to amend the Real Estate Tax Act 1860," were respectively read a second time and ordered to be committed.
- "An Act to encrease the Number of Representatives for Victoria Town District and to alter the limits of the said District," was read a third time, and passed as amended.

The Council then adjourned until Friday the 5th Instant at 1. o'Clock P.M.

#### Friday, the 5th day of December, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. R. Finlayson, President, David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of the last Meeting having been read and confirmed.

The following Communication was received from the House of Assembly—

House of Assembly December 5th 1862.

To The President and Gentlemen of The Honorable The Legislative Council—Gentlemen

I am to inform your Honorable Council, with reference to your Communication to the House of Assembly of the 21st ultimo, insisting on the Amendments made to the "Gunpowder Act 1862," that the House ask a conference on the subject thereof.

I have &c.
(sgd.) E. J. Nesbitt
Actg. Clerk

House of Assembly.

It was ordered that a conference be granted, to take place on Monday the 8th Instant at 1 oClock P.M.

The Council authorized the Clerk to transmit to the Colonial Treasurer, in reply to the communication received on the 3rd Instant, an Estimate of the probable Expenditure of the Council for the year commencing 1st January 1863, as follows—

Salary to Clerk of the Council £100—
Office contingencies 50—
Total £150—

"An Act to amend the Real Estate Tax Act 1860," was then considered in Committee.

Clauses I to XI—agreed to.

Schedule A—In Clause XII to be placed at the end of Clause XI—and the following alterations made in it—

In 3rd Column—Strike out the word "amount" and insert "description" in lieu thereof—and after the word "situated" add "Town or District."

In 4th Column Strike out the word "admeasurements" and form two columns thus:

No.	No.
of	of
Block	Lot.
on	
Sec:	

Clauses XIII to XV agreed to.

The Council then adjourned to Monday the 8th Instant, at 12. o'Clock P.M.

#### Monday, the 8th day of December, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson. The Minutes of last Meeting having been read and confirmed.

A conference was held with the House of Assembly on the subject of the Powder Magazine Act 1862.

Present: Messrs. Tolmie, Burnaby, Franklin, Trimble, Cocker.

The Manager on the part of the House of Assembly insisted that the amendment to the Bill was disagreed to on the ground that the fee imposed by the Council amendment for the Storage of Gunpowder was too high: and that the original one would be sufficient to meet the expenses of the Magazine.

The Council agreed to waive their amendment on the ground offered by the House of Assembly in the conference, vizt. that the sum of twelve shillings and sixpence per ton per month for storage, would be sufficient to meet the expenses of the proposed Magazine.

The consideration of the "Real Estate Tax Amendment Act 1862" was then resumed in Committee—

Clause XVI—At line 5—after the word "thereto" insert together with a "true copy thereof."

Clauses XVII to XXIV—agreed to.

Clause XXV—In the form of Notice between columns 2 & 3, insert a column headed "Town or District."

Clauses XXVI to XXXIV, agreed to.

Clause XXXV At line 11—after the word "is"—insert "or are."

Clause XXXVI—agreed to.

Clauses—XXXVII and XXXVIII, not agreed to, as necessitating the keeping of provisional accounts, and tending to embarras the collection of the Revenue.

Clauses XXXIX to XLIII, agreed to.

The further consideration of the Bill was then postponed; and,

"An Act to repeal and amend the Laws affecting Trades Licenses" was taken up in Committee—

Clauses I to XX—agreed to.

Clause XXI—At line 3, after the word "completed"—insert "and arranged in Alphabetical Order of surnames."

At lines 4, 5, 6, 7, & 8—strike out the words "The Treasurer shall thereupon make a Copy of every such roll arranged in Alphabetical order of surnames, and shall cause the Sheriff to post up such Copy in" and insert "the said Assessor shall thereupon make true copies thereof, and publish the same by posting them up in not less than."

Clause XXII to XXXVI, agreed to.

The Council then adjourned until Thursday the 11th Instant at 12. o'Clock P.M.

#### Thursday, the 11th day of December, 1862

The Council met this day pursuant to adjournment.

Present: Honbles. David Cameron C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read, and confirmed.

Communications were received from the House of Assembly enclosing-

- 1. "An Act to encrease the number of Representatives for Victoria Town District and to alter the limits of the said District."
- 2. "An Act to authorize The Governor of Vancouver Island and its Dependencies to erect a Powder Magazine for the Custody of Gunpowder and to regulate the sale, Storage, and keeping of Gunpowder."
- 3. "An Act to establish a decimal system of accounts in the Colony of Vancouver Island and its Dependencies"

which had been severally agreed to in the House of Assembly.

Mr. Watson handed in a protest against the passage of the Stamp Act which was ordered to be entered on the Minutes.

#### Protest

I Alexander Watson, hereby protest against the passage of An Act intituled "An Act to impose certain Stamp Duties on Writings and Deeds" on the ground that the Machinery proposed by the Bill is totally inadequate to insure the collection of the Tax.

(sgd.) Alexander Watson

The Bill was then brought up as amended by the House of Assembly—read a third time, and passed.

The consideration of "An Act to amend the Real Estate Tax Act 1860," was then resumed in Committee.

It was moved by Mr. Cameron at Clause XLIV—at line 13, after the words "liable to pay the same"—the remainder of the Clause be struck out.

Also that Sections XLV, XLVI, XLVII, XLVIII, XLIX, L, LI, LII, LIII, LIV, LV, and LVI be struck out.

The Motion not being seconded, These Sections were then passed—as also Section LVII—to the end of the Bill.

- The Council then resumed its [sitting] and the Standing Orders having been suspended, the Bill was ordered to be read a third time and passed—Mr. Cameron dissenting thereto.
- The consideration of "An Act to repeal and amend the Laws affecting Trades Licences" was then resumed in Committee.

It was moved by Mr. Cameron: Clause XXXVII—At line 3—after the words "Ten days" strike out "the Sheriff shall" and insert "it shall be lawful for the Treasurer to authorize the Sheriff by a Warrant under his hand and seal to." Seconded by Mr. Watson, and agreed to.

Clauses XXXVIII, XXXIX, XL—agreed to.

- ,, XLI, (Form H omitted in Schedule).
- " XLII, XLIII, XLIV—agreed to.
- ,, XLV—(Form J omitted in Schedule).
- , XLVI—(Form K omitted in Schedule).
- , XLVII—agreed to.

The Council then resumed its sitting and the Standing Orders having been suspended the Bill was ordered to be read a third time and passed.

The attention of the House of Assembly was ordered to be directed to the omission of the Forms H, J, and K in Schedule to the "Trades Licenses Amendment Act."

The Council then adjourned until Monday the 22nd Instant at 1.30 P.M.

### Monday, the 22nd day of December, 1862

The Council met this day pursuant to adjournment.

Present: Honbles Roderick Finlayson Presdt., David Cameron, C.J., E. Graham Alston, Alexander Watson.

The Minutes of last Meeting having been read and confirmed.

- The Members of Council attended His Excellency The Governor to The House of Assembly for the purpose of being present at the Prorogation of the House.
- The Members of the House of Assembly being in their places, His Excellency took possession of the Speaker's Chair and addressed the Legislative Bodies as follows—

Honorable Gentlemen of the Legislative Council, and of The Legislative Assembly.

In closing this Session of the Legislature, it affords me great pleasure to convey to you my warmest acknowledgments for the anxious, and careful attention with which you have applied yourselves to the discharge of your public duties; and I may add the result of your deliberations cannot fail to be satisfactory to the people of the Colony.

The Moneys which you have granted for Public Works are now being laid out in improving the Main Roads leading into the settled Districts about Victoria, and in forming a road-way through Cowichan, and Nanaimo, to the Comax Settlement; for the purpose of connecting those Districts by a practicable overland communication with each other, and with Victoria.

Measures are also in progress for improving the Harbor of Victoria, a work which has been unavoidably delayed by financial arrangements.

Gentlemen of the Legislative Assembly;

I thank you for the supplies which you have granted for the service of the year, and for the purpose of carrying into effect the several objects of public utility which were set forth in the Estimates.

Honorable Gentlemen of The Legislative Council, and of The Legislative Assembly:

I have to congratulate you on the thriving state of Trade; the encrease of Population; the growing value of fixed property; the large demand for agricultural produce; the state of the Public Revenue; and on the generally satisfactory condition of the Colony, which I trust will with the blessing of God, continue to prosper.

I now prorogue this Parliament.

The Honorable Chief Justice Cameron then said,

Gentlemen of The House of Assembly, I have the honor, by command of His Excellency The Governor, to announce that this Parliament stands prorogued until Friday the 2nd day of January next.

His Excellency The Governor, attended by the Members of Council then withdrew and the Council adjourned until Friday 2nd January 1863.

### Friday, the 2nd day of January, 1863

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Presidt., David Cameron C.J., Alexander Watson.

The Minutes of last Meeting having been read, and confirmed.

The Members of Council attended His Excellency The Governor to the House of Assembly, for the purpose of being present at the opening of the fourth Session of Parliament.

The Members of the House having assembled, His Excellency took possession of the Speaker's chair, and addressed the Legislative Bodies as follows—,

Honorable Gentlemen of the Legislative Council, and of The House of Assembly-

The requirements of the public service have rendered it necessary to call you together again at this time, after an unusually brief respite from your Legislative duties.

The business which I have to press upon your attention is the consideration of the Estimates intended for the Service of the current year—and also of certain Acts for enabling companies properly constituted to acquire the land necessary for their operations.

The importance of such measures in their present bearings on the employment of labor, and on the prospective interests of the Colony is so well known and so generally recognized, that I feel assured no unnecessary delay will occur in their passage through the Legislature.

Government will have to extend its fostering care to the recently formed settlement at Cowichan, and Comax; to provide for their protection and security, and to furnish such aid as may be deemed advisable for their secular, and religious instruction of the Settlers in those Districts.

It affords me great satisfaction to state that the Returns received from the Land Office shew that there is a rapidly increasing demand for the acquisition of Land within the Colony: the areas conveyed by sale, and occupied under the pre-emption Act, without purchaser, for the year 1862, being about ninety per cent in excess of the quantities sold and otherwise conveyed in 1861.

I may also allude to the gratifying circumstance that a highly respectable English Association is about to form a Settlement at Quatseeno on the West Coast of Vancouver Island. They propose to open mines of coal, to establish fisheries, to embark largely in the export of Deals, and Ships Spars—and in other branches of Trade that promise remunerative employment for capital. I will make no comment on the character of an Enterprise of such obvious importance to the progress of the Colony. I shall not fail to extend to it all the protection, and encouragement in my power, and I trust it may prove completely successful, and fully realize the hopes of its spirited projectors.

I will again call the attention of the Legislature to the great importance of providing for a Geological Survey of the Colony; a measure well calculated to develop its true interests and resources.

The mountain ranges which now so unprofitably occupy a large portion of the Island are with good reason supposed to abound in valuable minerals: when that fact is demonstrated by carefully conducted scientific explorations, a new era will dawn upon the Colony, and sources of wealth will be laid open which must eventually place it at the summit of material prosperity.

Assistance will be asked from the House for the purpose of carrying that object into effect and also for encouraging the taking of Cod and other fish on the coasts of the Island; and as a means of stimulating Trade, and settlement, I shall propose a small grant to be employed in subsidizing a Steam vessel to ply at stated intervals between Comox, and Victoria, touching at Cowichan, Salt Spring, Nanaimo, and the other intermediate settlements.

Gentlemen of the Legislative Assembly,

The Estimates for the year will shortly be laid before you, wherein I have provided for the various services before alluded to, and for other services not herein specially noticed.

Honourable Gentlemen of the Legislative Council, and of the House of Assembly,

A Bill to legalize the collection of small debts, and to reduce the costs, and modify the present procedure, will, together with other measures, be introduced and submitted in course of the Session for your consideration.

A Communication was received from the House of Assembly dated the twentythird of December eighteen hundred and sixty two enclosing

"An Act for consolidating in one Act, certain provisions usually inserted in Acts, authorizing the making of Railways", and

"An Act, consolidating in one Act certain provisions usually inserted in Acts, authorizing the taking of Lands for undertakings of a public nature."

The Council then adjourned until Tuesday the sixth day of January eighteen hundred and sixty three.

#### Tuesday, the 6th day of January, 1863

The Council met this day pursuant to adjournment.

Present: The Honbles. Roderick Finlayson, Presdt., David Cameron C.J., Alexander Watson.

The Minutes of last Meeting having been read, and confirmed.

A Committee was appointed to draw up Standing Orders vizt. Honble. E. G. Alston, and Honble. Alexander Watson.

The Council then adjourned until Thursday 22nd of January, 1863.

#### Thursday, the 22nd day of January, 1863

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson Presdt., David Cameron, C.J., Alexander Watson.

The Minutes of last Meeting having been read and confirmed.

Mr. Watson gave notice that at next Meeting of Council he would move that an Address be presented to His Excellency in answer to the Speech.

Communications were received from the House of Assembly enclosing:

- 1. "An Act to prohibit Sunday Trading."
- 2. "An Act to repeal and amend the Laws affecting the repair, improvement, and regulation of Roads in Vancouver Island, and its Dependencies."

The following Acts were read a first time:

"An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the making of Railways."

"An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of Lands for undertakings of a public nature."

"An Act to prohibit Sunday Trading" and,

"An Act to repeal and amend the Laws affecting the repair, improvement, and regulation of Roads in Vancouver Island and its Dependencies."

The Council then adjourned until Monday, 26th January, 1863.

#### Monday, the 26th day of January, 1863

The Council met this day pursuant to adjournment, at 1. o'Clock P.M.

Present: Honbles. R. Finlayson, President, D. Cameron C.J., Alexander Watson. The Minutes of the last Meeting having been read, and confirmed.

The Council considered the Subject of the Appointment of a Clerk in the room of the late Joseph Porter Esqre. and unanimously appointed Mr. E. J. Nesbitt to perform the duties, at a Salary of one hundred pounds per annum.

The following Address to the Governor in reply to His Excellency's Speech on the occasion of the opening of the fourth Session of the present Parliament.

To His Excellency James Douglas Esquire Companion of the Most Honorable Order of the Bath, Governor, and Commander in Chief of the Colony of Vancouver Island and its Dependencies, Vice Admiral of the same &c. &c. &c.

The Humble Address of the Legislative Council of the Colony of Vancouver Island.

May it please your Excellency

The Legislative Council begs to acknowledge Your Excellency's Speech on the occasion of the opening of the fourth Session of this present Parliament.

The Council begs respectfully to congratulate Your Excellency on the continued prosperity of the Colony arising out of the increase in population and Capital; and the increased demand for Agricultural lands, and the Council desires to assure Your Excellency, that the business which Your Excellency has been pleased to submit to the Legislature, will be carried through this Branch of the Legislature with all possible despatch consistent with the importance of the measures.

The Council then adjourned until Wednesday 28th January at 2. o'Clock P.M.

#### Wednesday, the 28th day of January, 1863

A quorum of Members not being present there was no Meeting.

#### Monday, the 2nd day of February, 1863

The Council met this day at 2. o'Clock P.M.

Present: Honbles. R. Finlayson, President, D. Cameron C.J., A. Watson.

The Minutes of the last Meeting having been read and confirmed.

A Petition from George A. Walker [Walkem] praying to be admitted to practice Law in the Colony, was read, and ordered to be laid on the table.

"The Act to prohibit Sunday Trading" was read a second time, and ordered to be amended as follows:

That the following clause be inserted immediately after the preamble,

"That no Tradesman, Artificer, Workman, laborer, or other person whatsoever shall do, or exercise any worthy labor, business, or work of his ordinary calling, upon the Lord's day, or any part thereof (works of necessity or charity only excepted) and that every person of the age of fourteen years, or upwards, offending in the premises, shall for every such offence forfeit the sum of five pounds, to be recovered in a summary way before any Justice of the Peace."

- 2. That the words "nor to Butchers, Bakers, or Fishmongers" be struck out. The following Acts were read a second time—
  - 1. "An Act consolidating in one Act certain provisions usually inserted in Acts, authorizing the taking of lands for undertaking of a public nature."

- 2. "An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the making of Railways."
- 3. An Act to repeal the laws affecting the repair, improvement and regulation of roads in Vancouver Island, and its Dependencies.

The Council then adjourned till Wednesday 4th February.

#### Wednesday, the 4th day of February, 1863

The Council met this day at 3. oClock P.M.

Present: Honbles. R. Finlayson, President, D. Cameron, C.J., A. Watson.

The Minutes of the last Meeting having been read, and confirmed.

The Council adjourned until Friday next 6th Instant.

#### Friday, the 6th day of February, 1863

The Council met this day pursuant to adjournment, but a quorum of Members not being present, there was no Meeting.

### Monday, the 9th day of February, 1863

The Council met this day at 2. oClock.

Present: Honbles. R. Finlayson, Presdt., D. Cameron, C.J., A. Watson.

The Minutes of last Meeting having been read and confirmed.

- A communication was received from the House of Assembly dated February 4th 1863 enclosing "An Act to amend the Alien Act 1861."
- "An Act to prohibit Sunday Trading"—was further amended as follows. In the last line, insert betwixt the words "Trading" and "Act"—the word "prohibition," whereupon the Act was read a third time, and passed as amended.
- "An Act consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of lands for undertakings of a public nature" was amended as follows—

Clause 10—to be struck out.

Clauses 19 and 20, to be struck out.

It was then ordered that the Bill be engrossed, and brought up for a third reading at the next meeting.

"An Act for consolidating in one Act, certain provisions usually inserted in Acts, authorizing the making of Railways" was amended as follows,

In Clause 12, strike out "114th."

The Act was then ordered to be engrossed, and brought up for a third reading.

Mr. G. A. Walker's Petition was then considered, and the Clerk was ordered to inform Mr. Walker that the Standing Orders of the Council do not admit of his Petition being considered during the present Session of the Legislature.

"An Act to amend the Alien Act 1861" was read a first time.

The Council then adjourned until Wednesday 11th February at 2. oClock P.M.

#### Wednesday, the 11th day of February, 1863

The Council met this day in pursuance of adjournment.

Present: Honbles. R. Finlayson, President, D. Cameron C.J., A. Watson.

The Minutes of the last Meeting having been read and confirmed.

The following Acts were read a third time, and passed.

"An Act for consolidating in one Act, certain provisions, usually inserted in Acts—authorizing the making of Railways."

"An Act for consolidating in one Act, certain provisions usually inserted in Acts, authorizing the taking of Lands for undertakings of a public nature."

"A Bill for the regulation of the Harbors of Vancouver Island," was received from the House of Assembly, and read a first time.

The Council then adjourned till Friday, February 13th at 2. o'Clock P.M.

#### Friday, the 13th day of February, 1863

The Council met this day pursuant to adjournment.

Present: Honbles. R. Finlayson, President, D. Cameron C.J., A. Watson.

The Minutes of last Meeting having been read, and confirmed.

- A communication was received from the House of Assembly transmitting a "Bill for constituting Inferior Courts of Civil Justice in Vancouver Island and its Dependencies."
- "A Bill for constituting Inferior Courts of Civil Justice in Vancouver Island and its Dependencies"—was read a first time, whereupon Mr. Cameron gave notice of amendment.
- "A Bill for the regulation of the Harbors of Vancouver Island"—was read a second time, also a third time and passed.
- The Council then adjourned until Wednesday, 18th February 1863 at 2. o'Clock P.M.

#### Wednesday, the 18th day of February, 1863

A quorum of Members not being present there was no Meeting.

#### Monday, the 23rd day of February, 1863

The Council met this day.

Present: Honbles. R. Finlayson, President, D. Cameron C.J., A. Watson.

The Minutes of the last Meeting having been read, and confirmed.

Communications from the House of Assembly were received, transmitting:

- 1. "An Act to declare the denominations to be used in the various Stamps used under the Stamp Act 1862."
- 2. "An Act to apply the Sum of Twenty five thousand, seven hundred and five Dollars, out of the General Revenue of the Colony of Vancouver Island, and its Dependencies, for the payment of certain salaries and expenses for the service of the year 1863."
- 3. "An Act to apply the sum of Two hundred and forty seven thousand, two hundred and twenty five Dollars, out of the General Revenue of the Colony of Vancouver Island and its Dependencies for the Service of the year 1863."
- 4. "An Act to grant a supplemental Supply of Twenty four thousand, one hundred and twenty nine Dollars for the service of the year 1863"—and.
- 5. "An Act to declare the fees, licenses, and dues payable for the Entrance, and clearance of Vessels, and for permits for landing goods, and for licenses to Scows, boats and other small craft in the Ports of Entry in Vancouver Island, other than Victoria, and Esquimalt"

which were read a first time.

- "An Act to prohibit Sunday Trading" was received from the House of Assembly, together with a Message as follows, "The Amendments made by your Honorable Council thereto were not agreed to by the House of Assembly" which was ordered to be laid on the table.
- "An Act for consolidating in one Act certain provisions usually inserted in Acts, authorizing the taking of Lands for undertakings of a public nature," was received from the House of Assembly, amended as follows—

In Clause seven, line eight, insert the words "Chief Justice" in lieu of "Surveyor General," which amendment was agreed to.

"An Act for consolidating in one Act, certain provisions usually inserted in Acts, authorizing the making of Railroads," was received from the House of Assembly amended as follows—

In Clause thirteen, lines three and four, insert the words "Chief Justice" in lieu of "Surveyor General," which amendment was concurred in.

The Council then adjourned until Tuesday 24th February 1863, at 2. o'Clock P.M.

#### Tuesday, the 24th day of February, 1863

The Council met this day pursuant to adjournment.

Present: Honbles. R. Finlayson, President, D. Cameron C.J., A. Watson. The Minutes of the last Meeting having been read, and confirmed.

"An Act entitled an Act to declare the validity of the Debentures issued by the Municipal Council, and the mode of enforcing the payment of the Assessment, Licenses, fines, and penalties directed to be assessed, and levied by the Bye Laws passed by the Municipal Council, by virtue of the 'Victoria Incorporation Act 1862'," was received from the House of Assembly, and read a first time.

The Standing Orders of the Council were suspended, and the Bill was read a second time and considered in Committee.

The following Amendments were then agreed to

In the pre-amble, after the word "Act," insert "and it is expedient to remove the same".

That Section 3 to 23 be struck out, and that Section 24 be numbered Section 3, and that Clause 25 be numbered Clause 4.

Clause 26, to be struck out.

Clause 27, shall be numbered.

Clause 5—and amended, by striking out the word "amendment"—and inserting "debenture."

The Title—After the word "Council," strike out all the words following and insert "of Victoria".

In the Schedule, between the words "Incorporation" and "Act," insert the word "Debenture"—(on the sixth line.)

The Bill was then read a third time, and passed.

The "Stamp Act 1863" was read a second time, and considered in Committee. The following amendments were agreed to—

Preamble—Strike out "certain equivalents in Dollars, and cents, are declared in respect of Sterling money"—and insert in lieu thereof "the money of account of the Colony of Vancouver Island, and its Dependencies, has been altered to Dollars and cents."

After the word "expedient" insert the words "that the Stamps to be issued under the said Stamp Act shall correspond in denomination with the present legal money of account, and whereas the values of said Stamps should be declared equivalent to the values intended to be levied under the Stamp Act aforesaid."

Clause 1—after the word "Stamps" insert the words "to be provided by the Treasurer under the provisions of the Stamp Act, 1862, shall be held to be equivalent, for the purposes of this Act, to the values in Dollars and cents mentioned in the Schedule A of this Act."

#### After Clause II—insert the following schedule—

	Schedule	$\boldsymbol{A}$	
Sterling.			Dollars & Cents
£0.0.2½	equal to		0.05
0.2.0	22	,,	0.50
0.4.0	22	,,	1.00
0.8.0	22	22	2.00
0.12.0	22	22	3.00
0.16.0	22	,,	4.00
1.0.0	22	22	5.00

The following Bills were read a second time.

"An Act to apply the Sum of \$25,705 out of the General Revenue of the Colony of Vancouver Island, and its Dependencies, for the payment of certain Salaries, and Expenses, for the service of the year One thousand eight hundred and sixty three."

"An Act to apply the sum of Two hundred and forty seven thousand, two hundred, and twenty five Dollars, out of the General Revenue of the Colony of Vancouver Island, and its Dependencies, to the service of the year One thousand, eight hundred and sixty three."

"An Act to grant a Supplemental Supply of Twenty four thousand, one hundred, and twenty nine Dollars, and fifty three cents, for the service of the year One thousand, eight hundred, and sixty three," and

"An Act to declare the fees, licenses, and dues payable for the entrance, and clearance of vessels, and for permits for landing goods, and for licenses to Scows, boats, and other Small Craft, in the Ports of Entry in Vancouver Island, other than Victoria, and Esquimalt."

The Standing Orders of the Council were then suspended, and the following Bills were read a third time, and passed—

"Supply Bill for twenty five thousand, seven hundred and five Dollars."

"Supply Bill for two hundred and forty seven thousand two hundred and twenty five Dollars."

"Supplementary Supply Bill for twenty four thousand, one hundred and twenty nine Dollars and fifty three cents."

"An Act to declare the fees, licences, and dues payable for the entrance and clearance of Vessels, and for permits for landing goods, and for Licenses to Scows, Boats and other Small Craft, in the Ports of entry in Vancouver Island, other than Victoria, and Esquimalt."

"An Act to declare the denominations to be used in the various Stamps issued under the Stamp Act 1862."

The Council then adjourned until Friday 26th February at 2. oClock P.M.

#### Friday, the 26th day of February, 1863

The Council met this day at 3. oClock.

Present: Honbles. D. Cameron C.J., E. G. Alston, A. Watson.

The Minutes of last Meeting having been read and confirmed.

The Council granted a conference to the House of Assembly on the subject of Council Amendments to the "Victoria Incorporation Act 1863."

The Gentlemen of the House of Assembly having retired, The Council agreed to abide by their amendments, and instructed the Clerk to communicate their decision to Mr. Speaker.

The Council then adjourned till tomorrow at 2. o'Clock P.M.

### Saturday, the 27th day of February, 1863

The Council met this day pursuant to adjournment.

Present: Honbles. R. Finlayson, President, D. Cameron C.J., A. Watson.

A Communication was received from the House of Assembly assenting to the Council Amendments to the "Victoria Incorporation [Debenture] Act 1863."

The Council then accompanied His Excellency to the House of Assembly, for the purpose of being present at the prorogation of Parliament.

His Excellency delivered the following speech—

Honorable Gentlemen, and, Gentlemen,

It affords me great satisfaction to inform you that I have received [a communication] from Her Majesty's Principal Secretary of State for the Colonies signifying Her Majesty's approval of the V.I. Road, and Harbor Act which authorizes the Governor to contract a Loan, not exceeding £40.000—for the purpose of constructing Roads, and improving Victoria Harbor.

Her Majesty's assent to this measure having removed the only obstacle to these

important works, no time will be lost in their vigorous prosecution.

With that view, it is proposed to obtain a Steam Dredge, and to commence as

soon as possible the work of excavating, and deepening the Harbor.

I am happy to inform you that the Colony is everywhere in a state of profound tranquility. The Native Indian Tribes continue to manifest the most friendly disposition, and to [express] sentiments of the truest loyalty, and attachment to Her Majesty's Government.

As the powers of the Legislature will soon legally terminate, it is my intention

to dissolve the present House, and to issue Writs for a new election.

In releasing you from the Labors of the Session, I desire to convey to you my sincere thanks for the zeal, and attention, with which you have applied yourselves to the discharge of your Legislative duties.

Many wise, and useful Laws have been passed since you were first assembled, and that period has been signalised in no common degree, by the blessings of successful industry, prosperity, and abundance.

Gentlemen of the Legislative Assembly-

I have also to thank you for the Supply which you have granted for the service of the year.

The money will be applied with due care, and economy, towards the ordinary expenses of the Government and in carrying on the public works, which are so essential to the progress, and prosperity of the Colony.

The Chief Justice then said,

Gentlemen of the House of Assembly, I have the honour by command of His Excellency The Governor, to announce that this Parliament stands prorogued to Saturday the 28th day of February Instant.<sup>14</sup>

<sup>&</sup>lt;sup>14</sup> By Proclamation dated 28 February 1863, Governor Douglas dissolved the House of Assembly and issued writs for a new election. The Council, as such, did not meet again but was reconstituted as an Executive Council and Legislative Council in accordance with Douglas' instructions of 8 October 1862.



## **JOURNALS**

OF THE

## **EXECUTIVE COUNCIL**

OF THE COLONY OF

## **VANCOUVER ISLAND**

20 OCTOBER 1863 to 19 NOVEMBER 1866



# MEMBERS OF THE EXECUTIVE COUNCIL OF VANCOUVER ISLAND

#### 1863-1866

Governor	First Sitting	Last Sitting
James Douglas		
Arthur Edward Kennedy	26 Mar. 1864	23 Oct. 1866
William Alexander George Young	22.0 / 10.66	10.31 10.66
(Officer Administering the Government)	23 Oct. 1866	19 Nov. 1866
COLONIAL SECRETARY		
William Alexander George Young (Acting)	20 Oct. 1863	20 Oct. 1863
William Alexander George Young	15 Jan. 1864	
Henry P. Wakeford (Acting)		
William Alexander George Young		
Edwin James Nesbitt (Acting)	6 Nov. 1866	19 Nov. 1866
Attorney General		
George Hunter Cary	20 Oct. 1863	25 July 1864
Thomas Lett Wood (Acting)		
Treasurer		
Alexander Watson	20 Oct. 1863	19 Nov. 1866
Surveyor General		
Benjamin William Pearse (Acting)	20 Oct. 1863	26 Mar. 1864
Joseph Despard Pemberton		
Benjamin William Pearse (Acting)	10 Oct. 1864	19 Nov. 1866



# MINUTES OF THE EXECUTIVE COUNCIL OF THE COLONY OF VANCOUVER ISLAND

#### Tuesday, the 20th day of October, 1863

Pursuant to summons from His Excellency the Governor, the undermentioned officers assembled before His Excellency.

Mr. William Alexander George Young

Mr. George Hunter Cary

Mr. Alexander Watson

Mr. Benjamin William Pearse

Acting Colonial Secretary

Attorney General

Treasurer

Acting Surveyor General

- His Excellency stated that Her Majesty had been pleased to separate the Council of Vancouver's Island into an Executive and Legislative Council, and that therefore he had summoned the foregoing gentlemen for the purpose of communicating to them the powers and Authorities in that behalf existing, and for the purpose of each Member so appointed to the Executive Council taking the requisite Oaths.
- Her Majesty's Commission addressed to James Douglas C. B., Governor of Vancouver's Island and bearing date the 8th October A. D. 1862 read at length, by the Colonial Secretary.
- Her Majesty's Instructions, addressed as aforesaid, and bearing date the 8th October A.D. 1862 founded upon the foregoing Commission read at length by the Colonial Secretary.
- His Excellency then administered the Oath of Allegiance to the various Members appointed by Her Majesty's Instructions as aforesaid to constitute the Executive Council of Vancouver's Island, in the order in which they are described in the said Instructions.

The Council then proceeded to business.

Discussion upon the delay which has occurred in the Revision of the One per Cent Tax Roll. Mr. Wylly the Assessor called before the Council and reported that he had used every effort to induce the Revisors to continue and complete their work, but owing to the absence of one, the sickness of another; and the legislative duties of a third, it had been very difficult to form a quorum at many recent Meetings.

The Attorney General stated that he could proceed against the Revisors by Mandamus but it was a course which he would suggest had better be avoided, if it were possible by other means to obtain the end desired.

Settled that the Colonial Secretary should address a letter to the Chairman of the Court of Revision urging the completion of the work, and inquiring whether any further aid were desired from the Executive.

The Reports of Mr. Pemberton, the Surveyor General now absent in England were read respecting the arrangements for the purchase of Machinery for the Steam Dredge and Tug for Victoria Harbour.

Settled that the Colonial Secretary issue the requisite instructions to the Acting Surveyor General to call for Tenders for building the Hulls &c.

His Excellency announced that discoveries of Gold had been made in the Island, and therefore that it was desirable to prepare gold mining rules in the event of the discoveries proving sufficiently remunerative to be worked.

Attorney General instructed to draft rules and regulations in the shape of a proclamation.

Council adjourned until again summoned.

Signed William A. G. Young

#### Friday, the 15th day of January, 1864

Present: His Excellency The Governor, Messrs. Young, Cary, Watson, Pearse.

Minutes of last Meeting read and confirmed.

His Excellency explained that he had summoned the Council to consider the means of effecting a final settlement with the Hudson's Bay Co. of the questions concerning the land around Victoria. The questions in dispute between the Company and Her Majesty's Government had been narrowed to the yielding up by the Company of the rear portion of the Government Reserve at James' Bay, which from a letter from W. F. Tolmie Esqr. the Company's Agent at Victoria, dated the 21st November 1863, it appeared had been sold by the Company. His Excellency was therefore desirous to consider in Council the most desirable manner of speedily and finally dealing with this last remaining point.

Despatch of the Duke of Newcastle of 20th August 1863 No. 34, with its enclosures read and considered. Letter aforementioned from Dr. Tolmie also read and considered.

Discussion followed in which Mr. Young and Mr. Cary took part. Agreed that Mr. Cary should without delay prepare Drafts of Deeds for the conveyance to the Crown of the various portions of land to be conveyed under the Indenture of Settlement of 3rd February 1862; but with respect to the portion in dispute in the rear of the Government Buildings that the Company should only be asked to do what they proposed in Sir Edmund Head's Letter of 1st August 1863 viz.: to surrender any right or title the Company may have in that portion.

The Council then adjourned.

Signed William A. G. Young

#### Monday, the 14th day of March, 1864

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- The Governor stated that he had summoned the Council to communicate his intention of leaving today for British Columbia, and that his official relations with the Colony would terminate today, and he thanked the Council for the zeal and assistance which he had at all times received from the various Members composing the Council, and stated that he was ready to bear willing testimony to their integrity and ability.
- His Excellency then mentioned that he had been desirous before finally closing his connection with the Colony to frame a Mining Law suitable to the particular circumstances of this Colony; explained his views thereupon, and deprecated the imposition of a Free Miners License Fee, as being not suitable to the character of the Mining in Vancouver's Island; the regulations for which he considered should be upon the same basis as the commercial policy of the Government, perfect Free Trade.
- His Excellency then laid before the Council an application from Mr. Young the Colonial Secretary, for 12 months leave of absence.

Council assented thereto, Mr. Watson remarking that he thought it would be difficult to find any person capable of discharging the responsible duties of Mr. Young's office; but suggested that probably Governor Kennedy's private Secretary might be found to possess the necessary qualifications.

His Excellency then laid before the Council an application from the Chief Justice, representing the necessity which existed for some arrangement to be made by which the duties of Registrar of the Supreme Court could be discharged; and suggesting that as it had not been found possible to obtain a suitable person to fill the Office at the Salary fixed, a temporary arrangement might be made under which the Registrar General of Deeds should give a portion of his time to the performance of certain of the more responsible duties, and a Judge's Clerk be appointed to attend to the more clerical duties, the Registrar's Salary being paid to them.

Discussion followed and general opinion expressed that although there was no objection to the provisional appointment of the Clerk, it was not deemed expedient to imperil the efficiency of the Land Registry Office by the imposition of further duties upon the Registrar General. Colonial Secretary to acquaint Chief Justice accordingly.

Mr. Young then on behalf of the Council expressed to His Excellency their sense of the kind manner in which he had alluded to their individual services and assistance, and of the courtesy which they had at all times received at his hands, and concluded by wishing His Excellency upon his departure every health, happiness and prosperity.

The Council then adjourned.

#### Saturday, the 26th day of March, 1864

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Acting Surveyor General.

The Council received His Excellency Arthur Edward Kennedy C.B. appointed Governor & Commander in Chief in and over the Colony of Vancouver's Island and its Dependencies.

His Excellency produced Her Majesty's Instructions and Commission.

The Colonial Secretary then read Her Majesty's Instructions dated at the Court at Windsor the 11 day of Decr. 1863.

The Colonial Secretary then read Her Majesty's Commission bearing equal date.

The Colonial Secretary then administered the oath of allegience to His Excellency.

The Colonial Secretary then administered the usual oath of office to His Excellency.

The Council then adjourned.

A. E. Kennedy Govr.

William A. G. Young Col. Secty.

#### Thursday, the 31st day of March, 1864

Present: His Excellency the Governor, The Colonial Secty., The Attorney General, The Treasurer. Subsequently The Surveyor General.

Minutes of last Meeting read & confirmed.

- Mr. Joseph Despard Pemberton, Surveyor General, admitted and sworn in, taking the Oath of allegiance administered by the governor.
- His Excellency explained necessity and expediency of special oath of office being administered to each Member of the Executive Council. Settled that Attorney General shall prepare an Act providing for the form of oath to be taken by Members of Executive Council.
- His Excellency brought before the Council the subject of the want of an official Residence, and read a Despatch on the same subject dated 16th September 1863 signed by Sir Frederic Rogers conveying the opinion of the Secty. of S. Settled that a message should be addressed to the House of assembly forwarding a copy of Sir Frederic Rogers' Despatch and requesting that provision might be made for a temporary residence for the govr. of the Colony, and that a distinct proposition for a permanent Residence for the governor should be submitted with as little delay as possible.

His Excellency brought before the Council the subject of the governor being provided with a private Secretary, and read a Despatch dated the 11 Sept. 1863, signed by Sir Frederick Rogers, expressing the opinion of the Secretary of State upon the matter.

Discussion upon the subject.

Settled that the matter be submitted to the Legislative Assembly and they be asked to provide a Salary of £250 per annum for a Private Secretary.

His Excellency then brought before the Council the fact that the gentleman he had nominated as his private Secretary had been compelled to pay his own passage to the Colony and read a Despatch from Sir Frederic Rogers dated 6th January 1864 conveying the opinion of the Secretary of State upon the point.

H. E. put the question whether the Despatch should accompany the beforementioned Despatch to the House of Assembly.

Ayes

Noes

The Colonial Secy.
The Treasurer

The Attorney General The Surveyor General

His Excellency gave the casting vote in favour of the Ayes, and so it passed in the affirmative.

His Excellency then read a letter from Sir James Douglas dated the 14 March 1864 covering a Resolution of the House of Assembly upon the subject of the establishment of a Ministerial Council composed of Members of the Legislative Council & Assembly in order to form a recognized link between the Executive and Legislative.

Settled that the Message of the Assembly be acknowledged and they be informed that the matter shall receive His Excellency's best consideration, but that he deems it would be inexpedient to enter upon so important a question with the limited experience of the Colony which he at present possesses.

The tenders for conveying the Mails between Victoria & Comox were then considered.

Decided to call upon the Harbour Master to report upon the following points.

The relative size & capacity of the Fideliter & Emily Harris for carrying Cattle and produce.

The relative draught of water of these Vessels when loaded.

Their general seaworthiness.

Their relative Steam power.

The depth of water at high and low water in the Channel of the Harbour into which the Courtenaey River runs at the settlement of Comox.

An application was then read dated the 30th March 1864 and signed I. W. Powell on behalf of 90 gentlemen offering their services as a Volunteer Company.

Settled to be acknowledged & brought up for consideration at next Meeting of Council.

The Council then adjourned.

A. E. Kennedy

April 2/64

### Saturday, the 2nd day of April, 1864

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.

Minutes of last meeting read & confirmed.

His Excellency read to the Council the Message he proposed to send to the Assembly in respect of the absence in the Colony of any Residence or temporary Residence for its Governor.

Message met with concurrence of Council.

His Excellency read to the Council the Message he proposed to send to the Assembly with reference to making provision by way of Salary for his Private Secretary, and to reimburse the outlay incurred on account of his passage from England.

Message met with concurrence of Council.

His Excellency read to the Council Messages to the Legislative Council and to the Assembly covering copy of Despatch from Secty. of State acknowledging receipt of addresses from those bodies on occasion of Marriage of the Prince of Wales.

Message met with concurrence of Council.

Report of Harbour Master was then read upon the respective qualities of the two Vessels Fideliter and Emily Harris.

Settled that the Tender for the conveyance of the Mails between Victoria and Comox be awarded to the Emily Harris, the lowest Tender offered.

His Excellency then read the Message he proposed to address to the Legislative Assembly in reply to the recommendation of the House in respect to the appointment of a Ministerial Council.

The Council concurred in the Message.

A communication dated the 31st March 1864 signed by C. Street asking for assistance to enable Daniel Penny to bring out his Family from England was then read.

Discussion upon the subject, and upon the subject of immigration generally and the most desirable means of promoting it.

Settled that request of Daniel Penny cannot be directly acceded to by the Government.

Application read from Muir Quartz Mining Co. dated 5 March 1864.

Settled that applicants be acquainted their rights will be respected subject to the Mining Laws about to be issued.

The Council then adjourned.

A. E. Kennedy

April 11/64

### Monday, the 11th day of April, 1864

Present: His Excellency The Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.

Minutes of last Meeting read & confirmed.

The Governor laid before the Council the following communications from the Honorable the Speaker of the House of Assembly in reply to Messages which His Excellency sent to the House in accordance with the decision arrived at upon the last Meeting of the Council. His Excellency stated that he had no remarks to offer upon these communications beyond stating that he is informed that the Resolutions contained in these communications were adopted by a majority of *one*—that being the Speakers casting vote.

First. Message dated the 8th April 1864 conveying the Resolution passed by the House of Assembly on the 7th Instant declining to provide funds either for a permanent or for temporary Government House.

Second. Message dated the 8 April 1864 conveying the Resolution passed by the House of Assembly on the 7th Instant declining at present to provide funds by way of Salary and passage money for the Governors private Secretary.

The Governor then laid before the Executive Council the draft of a message which he proposed to address to the Legislative Council, submitting for their opinion the copy of an address of the Legislative Assembly dated the 9th February 1864, to Sir James Douglas then Governor of the Colony, declining to vote the Civil List proposed by the Duke of Newcastle in a Dispatch dated 15th June 1863, in return for the Crown Revenues of the Colony.

His Excellency stated that he refrained from any discussion upon this question in Executive Council, simply desiring the opinion of the Council on the propriety and expediency of taking this step. His Excellency further referred the Council to the Royal Instructions and to Her Majesty's Commission bearing upon a question of this character.

The Executive Council entirely concurred in the views taken by His Excellency.

The Governor then informed the Executive Council that the whole furniture of his office consisted of a Table, a Carpet and a few common Chairs. That there was no Library, Maps, or Books of reference of any kind. That there is no Messenger or Attendant of any kind provided for the Governors Office, nor provision made for any of these requisites in the Annual Estimates. The Estimates under the head "Governor" as passed by the House of Assembly are a blank. His Excellency desired to know whether this has been the Custom in the Colony, or whether the Executive Council consider it decent, or possible that the public service can be carried on under such conditions.

The Council expressed themselves in the following resolution.

The Council are unanimously of opinion that the requirements before described are absolutely necessary for the proper conduct of the public service,

and recommend His Excellency to apply the requisite funds for obtaining them accordingly.

The Council then adjourned.

A. E. Kennedy Apr. 29/64

# Friday, the 29th day of April, 1864

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Surveyor General.

The Governor informed the Council that a Member of the House of Assembly waited upon him yesterday with a draft of a Bill proposed to be introduced to the House of Assembly establishing a Common School System; but as the Bill involved a money question it was necessary that the sanction of the Crown should be given to its introduction. His Excellency had objected to receive the Bill or to go into the question unless it were brought before him in the regular way so that he could present it in a proper manner to the Executive Council. The introducer of the Bill had promised to address a letter to His Excellency upon the subject, & His Excellency had therefore summoned the Council to consider that letter so that no delay might ensue. No letter had however been received up to the present moment & therefore His Excellency refrained from bringing the question up for consideration in Council.

A Letter from the Attorney General dated April 27th 1864 enclosing Bill of Costs in the suit Attorney General versus Hudson's Bay Company was then presented by His Excellency.

Settled that the Bill should be first taxed in the regular way, and then paid. The Council then adjourned.

A. E. Kennedy May 2/64

# Monday, the 2nd day of May, 1864

Present: His Excellency the Governor, the Colonial Secretary, the Treasurer, the Surveyor General.

The Governor read to the Council a letter dated the 2nd May 1864 from the Speaker of the House of Assembly, upon the subject of the introduction of a Bill establishing a common School system, involving a permanent charge upon

the Revenue, and suggesting that the sanction of the Executive should be given to the same, the matter not being recommended in the Governor's opening speech.

Discussion followed. Agreed that sanction should be given.

Council then adjourned.

A. E. Kennedy Gov. May 9/64

# Monday, the 9th day of May, 1864

Present: His Excellency The Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.

Minutes of last Meeting read & confirmed.

His Excellency laid before the Council the draft of a Message to the House of Assembly enclosing a statement of sums expended in excess of votes during the year 1863, and recommending that a vote be passed for the sum of \$19,80428 to enable the Auditor to close the accounts for the year 1863.

Message read by Colonial Secretary, and agreed to by the Council.

His Excellency then brought up the subject of the appointment of Revisors under the Real Estate Tax Act.

Discussion upon the subject followed, & Appointments made of the following Gentlemen:

For Victoria City: Richard Lewis, John T. Pidwell, William F. Tolmie, Joseph J. Southgate, Lumley Franklin.

For Victoria District, Esquimalt Town, Esquimalt District, Sooke District, Metchosin District: Edward H. Jackson, W. J. McDonald, John R. Stewart, Edward Octavius Langley, David Leneveu.

For North Saanich District, South Saanich District, Lake District: Alexander Anderson, Charles Street, William Reay, William Thompson, Henry McHugh.

For Nanaimo District: William H. Franklyn, Charles S. Nicol, Joseph Fergusson, Peter Labiston, Daniel W. Gordon.

His Excellency then laid before the Council the Tenders received for printing a Government Gazette.

The same were considered and the Contract was awarded to the Colonist office.

His Excellency then laid before the Council the Draft of an Act prepared by the Attorney General to abate the nuisance and danger existing through the number of open wells in and around the City of Victoria, and in other places within the Colony.

Settled that the Bill should be introduced to the House of Assembly.

His Excellency then brought to the notice of the Council the Pilot Act, and the subject of the Appointment of Commissioners under that Act. His Excellency

stated that the following names had been submitted to him, and he proposed to appoint them as Commissioners: Mr. William A. G. Young, Mr. Henry Wootten [Wootton], Mr. Joseph J. Southgate.

Council concurred therein.

His Excellency then read to the Council a letter from M. Munro dated 26 April 1864, making a proposition with respect to the continuation of the work under his present Contract for the Victoria and Comox Road.

Question put whether it be accepted or not:

Ayes

Noes

The Colonial Secty.

The Treasurer

The Attorney General

The Surveyor General

The Governor gave the casting vote in favour of the Ayes and so it passed in the affirmative.

The Council then adjourned.

A. E. Kennedy
13 May 64

### Friday, the 13th day of May, 1864

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Treasurer.

His Excellency laid before The Council a communication from the Mayor and Council of Victoria, dated 13th May 1864, representing the unfortunate position in which they are placed owing to the defect existing in the Incorporation Act, and asking that a present Sum of Six thousand Dollars may be placed at the disposal of the Corporation to meet present indebtedness; and also for authority to refund the sum of Five thousand Three Hundred and Sixty two Dollars paid by owners of Real Estate in December last.

Discussion upon the subject followed. Resolved that a Message be sent to the House of Assembly enclosing the representation from the Council, & requesting that the House will place the Governor in the position to advance from the General Revenue of the Colony the sum sought to cover present liabilities viz. \$6000, and recommending that a Bill should be introduced imposing a tax of the fourth of one per cent upon all real Estate within the City of Victoria, to reimburse this outlay.

His Excellency placed before the Council a Report from the Surveyor General dated 12th May 1864 with Maps, upon subject of certain encroachments at Wharf Street Esquimalt.

Letter read by Colonial Secretary, and discussion upon the matter followed. Resolved that the papers be referred to the Attorney General for opinion as to what might to be done to protect the public.

The Governor laid before the Council a letter dated the 10th May 1864, from the Surveyor General upon the subject of encroachments upon the road from Victoria to Esquimalt.

Letter read by Colonial Secretary.

Resolved that the papers be referred to the Attorney General with former papers on the subject.

The Governor then laid before the Council certain papers contained in a letter from the Acting Stipendiary Magistrate dated 9th May 1864, relative to the alleged murder at Barclay Sound of Wm. Banfield.

Resolved that steps should be taken to vindicate the Law.

The Governor then brought before The Council the subject of the contemplated improvements in Victoria Harbour; and read a list of queries which he had addressed to the Surveyor General upon the subject, together with the Surveyor General's reply.

His Excellency commented upon the scheme and upon the exceeding discrepancy between the estimated and the actual expenditure, and also that the expenditure up to the present time had exceeded the estimate, and that further funds were required, if the project were to be gone on with & even to provide for Storehouses and other necessary Buildings and services.

Resolved that further supplies be asked from the Legislature.

His Excellency then brought to the notice of the Council a Message from the Speaker of the House of Assembly dated 12th May 1864, enclosing copy of two Resolutions passed by the Assembly, one with reference to the collection of small debts at Nanaimo, and the other to Reciprocity with the United States.

His Excellency proposed that an answer be returned to the effect that these matters had not been brought under his notice, and that with regard to the first His Excellency had no intention at this late period of the Session to cause a Bill for the purpose to be introduced—with regard to the second that nothing had been done.

The Council then adjourned.

A. E. Kennedy May 17 1864.

# Tuesday, the 17th day of May, 1864

The Council met at 11.30 A. M.

Present: His Excellency The Governor, The Treasurer, The Surveyor General.

The Minutes of the last meeting having been read and agreed to.

A letter from Mr. Pemberton the Stipendiary Magistrate of Victoria was read requesting an extension of his leave of absence for a further period of six weeks from the 16th Instant on the ground of ill health.

Which was granted.

His Excellency laid before the Council 9 tenders for the performance of certain work on the Metchosin Road. Nos. 5 and 6 of Mr C. E. Ashe and No. 7 of Mr. J. Nicholson being the lowest in amount and in other respects satisfactory were accepted.

The Council then adjourned.

A. E. Kennedy May 21/64.

### Saturday, the 21st day of May, 1864

The Council met this day pursuant to a notice.

Present: H. E. The Governor, The Hons. The Attorney General, The Treasurer, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The following correspondence was laid on the Council table by His Excellency and the opinion of the Members of the Council asked as to what should be done in the matter.

Memo.

With reference to contracts made on the 8th & 9th March 1864 between the Acting Surveyor General and Robert Ewing and James Trahey respectively involving an expenditure of \$34,000 and \$16,000, The Governor desires to see the Authority under which they were acquired by the Acting Surveyor General.

A. E. K. May 16, 1864

To The Acting Coll. Secretary.

Memo.

On reference I do not find that any written instructions have been given bearing on the acceptance of any contracts made between the above named parties on the 8th & 9th March '64.

The foregoing minute of the Governor is referred to the Surveyor General.

E. J. Nesbitt Acting Colonial Secretary May 16, 64

The Surveyor General

Memo.

I am informed by Mr. Pearse that no written instructions were issued to that effect but that the letting of these Contracts was done by the verbal Authority of the Governor after frequent personal conferences with him and the Colonial Secretary.

J. D. Pemberton Surveyor General 17 May 1864.

Lands and Works 20 May 1864

Sir,

I shall feel much obliged by your reporting to His Excellency at your earliest convenience the following correspondence:

copy

Lands and Works 19 May 64

Sir,

In reply to your letter of the 18th Inst. making application for 2nd Instalment on Dredge Contract as certified by Mr. Leigh on 5 May, I have the honour to inform you that I have at present no authority to do so.

I have &c.
J. D. Pemberton

Mr. J. W. Trahey

copy

Victoria 20 May 64

Sir.

We have seen your letter addressed to Mr. Trahey informing him that you were not prepared to pay the second instalment due upon Mr. Trahey's Contract amounting to \$3000.

As the non payment of this money will compel Mr. Trahey to suspend his works and preclude him from fulfilling his contract with the Government, besides entailing on him a very large loss we as sureties for the completion of his contract must request the Government of Vancouver Island to relieve us from the liability.

We are, &c. &.
(sd.) Robert H. Austen
Wm. P. Sayward

Awaiting His Excellency's Commands

I have &c. &.
J. D. Pemberton
Survr. General

The Acting Colonial Secretary

His Excellency in laying the foregoing correspondence before the Council made the following statement.

The vote of the Legislature for Harbour improvement and the construction of a Dredging Machine having been considerably exceeded he made application for the Authority upon which the outlay had been incurred and found that the Acting Surveyor General had entered into Contract to the extent of about £10,000. being largely in excess of the vote without the written authority of any officer of the Government and that those Contracts had never been submitted to or approved of by the Executive Council. Under these circumstances he desires to have the opinion of the Council as to whether He would be justified in paying the instalment demanded by the Contractors pending an application to the Legislative Assembly for an additional vote.

The Council agreed with His Excellency that it was expedient that the instalments be paid without expressing any opinion as to the regularity or irregularity of the proceeding.

- A Letter from George Barnett was read requesting on behalf of the Union Copper Mining Co. that the term for which they hold the reserve of certain land at Sooke may be extended for a further period of 6 months, which was granted.
- The Governor brought before the Council a Statement in regard to Mr. Treasurer Gordons defalcations and it was agreed that the same be referred for the opinion of the Attorney General.

The Council then adjourned.

A. E. Kennedy June 1/64.

### Wednesday, the 1st day of June, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

 A letter was read from Mr. W. Ladler dated May 28th 1864 applying to have secured to him certain land in the Cowichan District in which he had discovered copper.

The Council were of opinion that this land being a Government Reserve any priority of claim Mr. Ladler might have in respect of discovery should be considered at a future time.

2. *His Excellency the Governor* inquired of the Surveyor General to whom the rock upon which the lighthouse at Esquimault is built belonged and whether it had been conveyed to the Government.

The Surveyor General stated that the rock in question belonged to Mr. Young the Colonial Secretary and that it had not been conveyed to the Government.

The Acting Colonial Secretary was requested to inquire whether any papers or correspondence existed on the subject and to produce them at the next Meeting of the Council.

3. A letter was read dated May 30th 1864 from Mr. W. A. Scott claiming the restoration to him of certain land in the Chemainus District of which he had been deprived and \$1200 as compensation for damage done by the Indians.

The letter was referred to the Surveyor General with a request that he will at his earliest convenience inspect the land and report.

4. A letter dated May from W. G. Goodwin was read with reference to receiving assistance from the Government to enable him to get his wife and family sent out from England.

The Council were of opinion that a sum of \$300 might be advanced to Goodwin for this purpose on his entering into a bond jointly with his brother for the repayment of the money in instalments.

Adjourned.

A. E. Kennedy June 6/64

# Monday, the 6th day of June, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

5. A Memorandum was read dated 4th June 1864 from Mr. E. J. Nesbitt, Chief Clerk, Colonial Secretary's office relative to the steps taken to convey the Fisgard Rock on which the Lighthouse at Esquimalt is built from Mr. W. A. G. Young, to the Government. A draft of such conveyance was also read.

It appearing that the conveyance had not been executed the Council were of opinion that assuming the Treasurer has no record of payment for the rock to Mr. Young His Excellency the Governor should refer the matter to England for the execution of the Deed.

6. His Excellency the Governor brought under the notice of the Council the question of the administration of an oath to the Members of the Executive Council and read the following form of oath:

I solemnly and sincerely promise and swear that as a Member of the Executive Council of the Colony of Vancouver Island and its Dependencies I will advise and assist His Excellency the Governor to the best of my cunning skill and ability and without fear favour or affection through doubt need or dread or from any other source—that I will keep secret the deliberations of the Council—and that I will act as a true councillor ought to do. So help me God.

And inquired of the Attorney General whether there were any legal or other objections to it.

The Attorney General was of opinion that such an oath might be administered without legislation.

7. In reference to the Minutes of the Council of the 21st May the following letter of the Surveyor General was read:

Land and Works Office 4th June 1864

Sir.

I have the honor to furnish for His Excellency's information copy of a letter from the British consul at San Francisco received this Mail which I think places it beyond a doubt that Mr. Pearse was authorized to sign the contract for the hulls of dredge and steam tug entered into with Messrs. Trahey and Ewing.

I have &c.

(signed) J. D. Pemberton Surveyor General [copy]

British Consulate San Francisco 23rd May 1864

Dear Sir

Your telegram reached me late on the 21st and I am requested by Sir James Douglas and Mr. Young to state to you that as far as they remember Trahey's tender for the hull of the dredging vessel was accepted on account of its being the lowest responsible offer the tenderer making an offer below it failing to find the required security. It is believed that Ewing's offer was originally the lowest for the hull of the steamer and as his sureties were found to be responsible it was for that reason accepted. Those tenders being accepted Mr. Pearse then acting as Surveyor General was consequently empowered to sign the contracts in accordance with the accepted tenders. Sir James and Mr. Young do not for certain remember if any expressly written instruction were given Mr. Pearse to sign contracts but they think not as the tender being accepted such an action on his part would naturally follow to carry out the public service.

I am &c. (signed) Wm. Lane Booker

J. D. Pemberton Esqre. Surveyor General Victoria

8. The following letters were read relative to certain lands reserved to Mr. Street for the purpose of prospecting for minerals:

Mr. G. Hargraves dated May 17th and June 1st 1864.

The Surveyor General dated 31st May 1864.

The Council were of opinion that Mr. Hargraves should be informed that Mr. Streets reservation Terminates on 23rd July 1864 after which any application he may think proper to make for any position of the land will be considered.

9. A letter was read from the Attorney General dated 3rd June 1864 relative to the defalcations of Mr. G. T. Gordon the late Colonial Treasurer, stating his opinion that under the circumstances of the case proceedings could not be successfully taken against Mr. Gordon's sureties.

After full discussion The Council resolved that further law proceedings would result in failure and ought not to be adopted and that the amount of G. T. Gordon's defalcations should be written off the public accounts.

10. His Excellency the Governor with the concurrence of the Council accepted Tenders from A. Neely and Mr. Munro for work on the Saanich Road at 70 cents and \$2.28—per lineal yard respectively.

Adjourned.

A. E. Kennedy
13 June 64

#### Monday, the 13th day of June, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 11. In reference to minute 5 of 6th June 1864 it appeared that the sum of £150 was paid to Mr. W. A. G. Young on 20th December 1859 but that no Deed of Conveyance had been executed.
- 12. His Excellency the Governor stated his opinion that the payment of the consideration money to Mr. Young prior to the execution of the Deed was wholly irregular.
- 13. His Excellency the Governor brought under the notice of the Attorney General certain law proceedings adverted to in his letter of 24th March 1863 as having been commenced against the Hudson's Bay Company relative to certain lands and requested that he would take steps for bringing the matter to some legitimate conclusion.
- 14. In reference to the last paragraph of a letter from Mr. W. F. Tolmie dated 21st November 1863 stating that the agents of the Hudson's Bay Company are authorized and ready to execute a formal conveyance to the Crown of certain lots in Wharf and Government Streets, His Excellency the Governor requested the Attorney General to proceed without delay.
- 15. The Report dated 13th June 1864 was read of a Board appointed to report upon the reservation of Crown Lands for prospecting purposes only.

The Council concurred in the latter part of the Report recommending the granting of temporary leases of blocks of 640 acres, and were of opinion that a Gazette notice should be inserted to that effect and with an additional assurance that parties so leasing minerals would be considered entitled to a renewal of their lease for a further period on the Government being satisfied that the lessees are prepared to work the minerals.

- 16. Letters were read from Mr. W. R. Lodge and Mr. John J. Landale dated 31st May 1864 (2) and 6th June 1864 applying for the reserve of 12,000 acres of land and minerals in the Cedar District.
- 17. The Council were of opinion that the Government should not grant any reservation of inferior minerals for prospecting purposes only but that the Government should grant leases under Section 15 of the Vancouver Island Land Proclamation 1862, of tracts not exceeding 640 acres in one lease, and for a period not exceeding six months under rules which will be notified in the Government Gazette.
- 18. A letter was read from Mr. J. S. Willis, Secretary to the American Quartz Mining Company dated June 8th 1864 applying for a lease of 640 acres for gold mining purposes.

The Council were of opinion that Mr. Willis should be informed that pending the discovery of any gold field the Government are not prepared to grant the lease of so large an extent of land.

19. A letter was read from Messrs. J. J. Southgate and Sebright Green, Directors of the Harewood Railway Company Limited, dated 10th June 1864 requesting the consent of the Governor to their taking land in the Government Reserve in the Nanaimo District for the purposes of their proposed Railway.

The Council were of opinion that the Harewood Railway Company might be permitted to take the land necessary for their line of Railway across the unsold portion of the land situate on the Government Reserve opposite Newcastle Island in the District of Nanaimo upon the same terms that are provided by the Vancouver Island Land Clauses Consolidation Act 1863 with regard to the land of private persons.

Adjourned.

A. E. Kennedy June 27/64

#### Monday, the 27th day of June, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 20. The oath of office was administered to the Members of the Council by His Excellency the Governor.
- 21. The following Despatches were read:

Despatch from Sir James Douglas, No. 3 dated 12th February 1864 forwarding Resolutions of Legislative Assembly declining to vote a Civil List.

Despatch from the Secretary of State for the Colonies No. 2 dated April 30th

1864 in reply thereto.

The proposed message of His Excellency the Governor to the Legislative Assembly conveying a copy of the latter Despatch was also read.

The Council concurred in the propriety of forwarding the Despatch to the Assembly with the Message.

22. His Excellency the Governor drew the attention of the Council to a course of action hitherto pursued by Members of the Executive which he considered wholly erroneous. He more particularly adverted to that in connection with the subject of the Secretary of State's Despatch (No. 2 dated 30th April 1864) just read. His Excellency stated that the embarrassment which had arisen from the refusal of the Legislative Assembly to grant a Civil List, or make provision for the salaries of the Chief Justice, Colonial Secretary, Attorney General, Treasurer, and Surveyor General, had been consummated though it did not originate with some *ex-officio* Members of the Legislative Council who by their votes affirmed the action of the Legislative Assembly and that had the *ex officio* Members voted together in furtherance of the expressed views of the Secretary of State as representing the Crown, whose servants they are, the

present embarrassment could not have occurred. His Excellency further pointed out that the functions of the Legislative Assembly and Legislative Council were distinct as their organization—that the one was composed of the elected Representatives of the people, the other of ex officio and other Members all nominated by the Crown—and that if the ex officio Members voted in opposition to the Measures, and policy adopted after consideration in the Executive Council the Government of this Colony could not be carried on. His Excellency therefore expected that Measures resolved upon in Executive Council would receive the undivided support of the ex officio Members in the Legislative Council. His Excellency also stated that open questions would of course arise as to which ex officio Members might exercise their individual discretion, though as a general rule he thought that Members of the Executive voting in opposition to each other was unseemly and calculated to weaken the government.

The Members of the Council severally expressed their assent to the views of His Excellency.

23. His Excellency the Governor proposed that a sum of 500 dollars should be paid to Mr. T. L. Wood as remuneration for his services as Stipendiary Magistrate at Victoria during the absence on leave of Mr. Pemberton for the last two months.

The Council concurred.

Adjourned.

A. E. Kennedy 30 June 64

# Thursday, the 30th day of June, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 24. A letter was read from the Speaker of the Legislative Assembly dated 29th June 1864 enclosing Resolutions of Assembly upon Report of Committee upon Crown Lands, and consideration thereof deferred.
- 25. A letter was read from the Speaker of the Legislative Assembly in reply to the message of His Excellency the Governor agreed to in Minute 21 of 27th June 1864. The proposed Message of His Excellency the Governor in reply was also read in which the Council concurred.

Adjourned.

A. E. Kennedy July 4/64

#### Monday, the 4th day of July, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

26. A letter was read from the Speaker of the Legislative Assembly dated 4th July 1864 in reply to the Message of His Excellency the Governor agreed to in Minute 25 of June 30th 1864, forwarding Resolutions of the Assembly conveying an indemnity to His Excellency for the payment of the salaries of the Chief Justice, the Attorney General, the Treasurer and the Surveyor General out of the Crown Revenues.

The Council were of opinion that these Resolutions should be submitted for the consideration of the Legislative Council and their concurrence in the indemnity invited.

- 27. A letter was read from Mr. M. Munro dated 1st July 1864, requesting that certain tenders sent in by him after the hour notified should be considered. The Council were of opinion that the Tenders should be returned to Mr. Munro unopened, previously to their receipt other Tenders received within the time appointed in the Gazette notice having been opened.
- 28. His Excellency the Governor with the concurrence of the Council accepted the following Tenders:

John Nicholson for grading &c. a portion of the Metchosin Road at \$1.95 per yard.

John Nicholson for grading &c. a portion of the West Saanich Road at \$2.37 and \$0.87 per yard.

William Thomson for grading &c. a portion of the West Saanich Road at \$2.45, \$1, and \$1.99 per yard.

Adjourned.

A. E. Kennedy 7 July 64

# Thursday, the 7th day of July, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 29. A letter was read from the Attorney General dated 7th July 1864 reporting upon the Bills referred to hereunder passed by the Legislature.
- 30. A Bill respecting Barristers and Attorneys at Law.

In accordance with the opinion of the Attorney General and with the concurrence of the Council His Excellency the Governor withheld Assent from this Bill for the present.

31. A Bill to enable the Districts of Cowichan, Comox and Alberni to elect Members to the House of Assembly.

It appearing that Assent had been refused to this Bill by the late Governor, Sir James Douglas, His Excellency the Governor with the concurrence of the Council abstained from assenting thereto.

32. His Excellency the Governor with the concurrence of the Council assented to the following Bills on behalf of Her Majesty:

An Act to amend an act for the protection of wooden bridges.

An Act to repeal the Vancouver Island Stamp Act, 1862.

An Act to prevent the unauthorized issue of Bank Notes and paper currency.

An Act to provide for the periodical publication of the liabilities and assets of Banks in Vancouver Island and its dependencies, and for the registration of the names of the proprietors thereof.

An Act to apply the sum of \$26,000 out of the general revenue of the colony of Vancouver Island and its dependencies, to the service of the year 1864.

An Act to grant a supplemental supply of \$19,80428 for the service of the year 1863.

An Act to provide for the closing of Wells upon unenclosed lands in Vancouver Island and its dependencies.

An Act for the regulation of Electric Telegraphs within the colony of Vancouver Island, and to secure secrecy and fidelity in the transmission of telegraphic messages.

An Act to alter and amend the Fireman's Protection Act, 1861.

An Act to authorise the Harewood Railway Company (limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood coal fields, in Mountain District, Vancouver Island.

An Act to incorporate the Israelite congregation named the Emanu-el of Victoria, Vancouver Island.

An Act to impose a tax of one-half of one per centum upon all real estate within the city of Victoria, and for other purposes relating thereto.

An Act to authorise the Governor to appropriate certain moneys for the completion of a Dredging Machine and other instruments and appliances connected therewith.

33. The Council on the representation of His Excellency the Governor of the necessity of employing Mr. T. Theobald as an additional clerk in the Colonial Secretary's Office and of the smallness of the payment at present made to him viz. \$60 per month approved of a payment to him of \$80 per month.

Adjourned.

A. E. Kennedy 18 July 64

### Monday, the 18th day of July, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

34. A letter was read from Mr. R. Ker, acting Auditor dated July 7th 1864 relative to the alleged defalcations of Mr. Jeremiah Nagle, late Harbour Master, showing a nett sum of \$308.70½ due beyond all doubt to the Government. A letter from Mr. Nagle on the same subject dated 8th June was also read.

The Council were of opinion that this question having been left unadjusted by the Predecessor of His Excellency since October 1861, it was inexpedient to re-open it and that no proceeding should be taken against Mr. Nagle for the amount of the alleged defalcation, and that Mr. Nagle had had ample opportunities to press for an investigation and settlement of the charge between October 1861 and the period of the departure of the late Governor Sir James Douglas in May 1864.

The Council were further of opinion that the amount of the balance due from Mr. Nagle should be written off the public accounts.

35. A Despatch from the Secretary of State for the Colonies No. 5 dated 16th March 1864 was read together with a letter from the Attorney General dated 13th July 1864 relative to the issue of title to Lot B, Victoria, to Mr. L. Lowenberg.

The Council were of opinion that the authority to issue the title having been granted under a misapprehension of the real facts of the case it was expedient that the question should be further submitted for the decision of Her Majestys Government.

Adjourned.

A. E. Kennedy 25 July 64

# Monday, the 25th day of July, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

36. The following letters were read relative to the reservation of certain lands for the purpose of prospecting for coal in the neighbourhood of Cape Beale:

Mr. C. Street 24th February 1864.

The Colonial Secretary 23rd March 1864.

Mr. C. Street, 13th May 1864.

The Colonial Secretary, 13th May 1864.

Mr. C. Street, 6th July 1864.

The Colonial Secretary, 9th July 1864.

Mr. C. Street and others 23rd July 1864.

The Council were of opinion that the assertion that a promise or undertaking to extend a reserve of 180 square miles for a period of 18 months had been given by His Excellencys Predecessor was disproved by the correspondence, that His Excellency refused on the 13th May 1864 to grant any such extension, and that any portion of the original reserve granted for four months might be applied for and granted under the conditions of the Gazette Notice dated 11th June 1864, and that the parties applying would be satisfied by access to the minutes and correspondence that there had been no breach of faith or honor on the part of the Government but that on the contrary the course adopted had been necessary to protect the public interest.

37. Letters were read from the Surveyor General dated 31st May 1864 and 7th June 1864 pointing out the necessity of appointing an Officer to supervise road contracts.

The Council were of opinion that such a duty should be performed either by the Surveyor General or by the Assistant Surveyor and that a clerk should be appointed to carry on the business of the Survey Office, and that \$1200 a year would be a reasonable remuneration for such an officer.

38. A letter was read from the Surveyor General dated 23rd June 1864 suggesting that a survey should be made of certain public reserves.

The Council were of opinion that all government surveys to be of any value must be made by some of the permanent staff of the survey office.

Adjourned.

A. E. Kennedy Aug. 11/64

# Thursday, the 11th day of August, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

39. The following correspondence was read:

Despatch of Governor Kennedy to the Secretary of State No. 25, dated 13th May 1864 relative to fees charged by the Attorney General.

Letter from the Attorney General dated 5th May 1864 relative to fees charged by him for criminal prosecutions.

Letter from Mr. M. W. T. Drake, Solicitor, dated 23rd July 1864 enclosing his bill of costs in certain civil cases, as taxed.

Letter from the Attorney General dated 6th August 1864 declining to Act any further for the Crown in cases where Counsel are required.

Letter from the Colonial Secretary dated 6th August 1864 stating that the Governor accepts the letter of the Attorney General as the resignation of his office.

Letter from the Attorney General dated 8th August 1864 stating that he had no intention of resigning this office.

A Bill of costs and charges amounting to 355 dollars made by the Attorney General in respect of certain criminal trials dated 5th August 1864.

Letter from the Colonial Secretary dated 9th August 1864 in reference to the bill of costs of the Attorney General.

Letter from the Attorney General dated 9th August 1864 in reply.

The Council were of opinion that the present system of the Attorney General undertaking prosecutions without the instructions of the Executive is inexpedient, and that the question of the payment of the Bill under consideration amounting to 355 dollars should be held over until a reply should be received to the Despatch dated 13th May 1864.

The Council were further of opinion that the course proposed by the Attorney General in the last paragraph of his letter of 6th August 1864 should be adopted.<sup>1</sup>

40. A letter was read dated 1st August 1864 from Mr. W. Culverwell relative to pecuniary transactions of Mr. G. H. Cary, Attorney General.

The Council were of the opinion that Mr. Cary should be called upon for such explanation as he may have to offer upon the charges and statements contained in Mr. Culverwell's letter.

- 41. A Despatch was read from the Secretary of State for the Colonies No. 4, dated 12th May 1864 stating that in the absence of any assurance that the office of Chief Justice would have an independent and permanent character he could not offer it to any Member of the Bar of England.
- 41a. The Council were of opinion that the discovery of gold having so completely altered the relative value of Crown Lands and measures for their management being absolutely necessary, it was desirable if possible to have the concurrence of the Legislature in making such Regulations and that it should be convened without delay.

<sup>&</sup>lt;sup>1</sup> In brief, Drake protested that the tax imposed on his bill of costs exceeded his actual expenses, and Attorney General Cary supported this position. Cary concluded his letter to Acting Colonial Secretary Wakeford (6 August 1864) by stating that Drake "was fully justified by the instructions given by me to take the steps directed, and I feel myself bound if those items are not allowed him to return the amount of his cheque less the amount allowed him, and pay back the amount of the fees allowed into the Treasury." For correspondence relating to this matter see enclosures in Kennedy to Cardwell, 31 August 1864, Public Record Office, Colonial Office 305/23, 132–160. For Drake's letter to Acting Colonial Secretary Wakeford, 23 July 1864, see Colonial Correspondence, F490/14, PABC.

42. In reference to Tenders for the Beacon Hill Road and the Cedar Hill Road the Council were of opinion that in the present condition of the labour market it was undesirable to accept any of these Tenders.

The Council were further of opinion that no fresh contracts for roads should be undertaken in the present state of the labour market.

Adjourned.

A. E. Kennedy Aug 15/64

# Monday, the 15th day of August, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

43. A letter was read from the Chief Justice dated 12th August 1864 reporting the sentence of death passed upon How-a-matcha an Indian, for the murder of another Indian, and the recommendation to mercy by the Jury.

The Council were of opinion that under the peculiar circumstances of this case the sentence should be remitted, and that the Indian Tribes should be distinctly informed that henceforth the Law in such cases will be strictly enforced.

44. His Excellency the Governor with the concurrence of the Council accepted Tenders from Messrs. Harrison and Lettice for repairing and painting the exterior of the main building of the public Offices and of the House of Assembly for \$610 and \$400 respectively.

Adjourned.

A. E. Kennedy Aug 22/64

# Monday, the 22nd day of August, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Colonial Treasurer.

The Minutes of the last Meeting were read and confirmed.

45. His Excellency the Governor stated that the Surveyor General was suffering from the effects of an accident which disabled him from attending the Council.

46. His Excellency the Governor brought under the notice of the Council the following correspondence:

Letter from the Acting Colonial Secretary to Mr. Cary, Attorney General dated 11th August 1864 calling upon him to explain matters affecting his character brought under the notice of His Excellency.

Letter from Mr. Cary, dated 13th August 1864 stating that he would reply on the 15th August.

Letter from Mr. Cary dated 17th August 1864 in explanation of his conduct.

His Excellency informed the Council that on the 19th August he had had an interview with Mr. Cary on the subject of this correspondence.

A letter was read from Mr. Cary dated 20th August 1864 tendering his resignation of the office of Attorney General.

The Council were of opinion that the resignation of Mr. Cary should be accepted.

47. A Despatch from the Secretary of State for the Colonies No. 4 dated 12th May 1864 relative to the appointment of a Chief Justice was read.

The Council were of opinion that a copy of this Despatch should be transmitted to the Legislative Assembly.

48. Despatches from the Secretary of State for the Colonies Nos. 8 and 9 dated 1st June 1864 relative to the grant of exclusive privileges to the California State Telegraph Company were read.

The Council were of opinion that a copy of these Despatches should be transmitted to the Legislative Assembly.

Adjourned.

A. E. Kennedy 25 Aug. 64

# Thursday, the 25th day of August, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer.

The Minutes of the last Meeting were read and confirmed.

49. Thomas Lett Wood Esqre. Acting Attorney General was sworn in a Member of the Council.

Adjourned.

A. E. Kennedy Sep. 10/64

### Saturday, the 10th day of September, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer.

The Minutes of the last Meeting were read and confirmed.

- 50. His Excellency the Governor submitted to the Council an outline of the speech he proposed to address to the Legislature on the opening of Parliament on the 12th instant.
- 51. A letter was read from the Revisors under the Trades Licences Amendment Act 1862 dated 15th August 1864 pointing out defects in the Law.
- 52. The Council concurred with His Excellency the Governor in the acceptance of the Tender of Messrs. Harries and Co. to print evidence taken before Committee of Legislative Assembly on Crown Lands for \$500.

Adjourned.

A. E. Kennedy Sep. 22/64

### Thursday, the 22nd day of September, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 53. A Bill to amend the Land Registry Act 1860 prepared by the Registrar General was read and referred to the Attorney General for consideration.
- 54. Letters were read dated respectively 10th and 21st September 1864 from Messrs.

  J. Nagle and others stating that they had cleared a trail from Sooke Harbour to the North Forks of Leech River and constructed six bridges, and expended \$3000 on those works, and requesting to be allowed to locate 150 acres on the trail—and referred to the Surveyor General with a request that he will send an officer to examine and report upon this application.
- 55. With reference to the Indian Reserve at Victoria His Excellency the Governor stated that he proposed to remove the Indians to Discovery Island compensating them for the removal.

The Council were of opinion that the Indians should be removed if their consent could be obtained upon terms satisfactory to the Government.

56. A letter was read dated 5th September 1864 from a Board consisting of the Attorney General, the Colonial Treasurer, and the Registrar General showing that the amount of fees received by Mr. G. H. Cary, late Registrar of Joint Stock Companies and paid into the Treasury was less than should have been received by various sums amounting to \$526.

Letters were read from the Acting Colonial Secretary to Mr. Cary dated 6th and 20th September 1864 calling upon him to pay into the Treasury the deficiency.

The Council were of opinion that if no satisfactory action should be taken by Mr. Cary in the matter by the 27th instant proceedings should be taken against him for the amount.

57. Letters were read from the Registrar General and the Attorney General dated respectively 20th and 26th May 1864 relative to the administration &c. of the estates of persons dying intestate.

The Council concurred with His Excellency the Governor in the propriety of appointing a Board to inquire into the matter consisting of the Acting Colonial Secretary, the Colonial Treasurer and the Registrar General.

58. The Council approved of the acceptance by His Excellency the Governor of the Tender of Thomas Mann for certain work on the Metchosin Road at \$1.79 per lineal yard and at \$1.00 per yard for culverts.

Adjourned.

A. E. Kennedy Sep. 26/64

### Monday, the 26th day of September, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

59. His Excellency the Governor brought under the notice of the Council a Return of defaulters in respect of Real Estate Tax.

The Council were of opinion that a notice should be inserted in the Government Gazette to the effect that a nominal list of defaulters in respect of Real Estate Tax for the years 1860–61, 1861–62, and 1862–63 lies at the Treasurer's Office for inspection and that any sums contained in that list and not paid on or before the 15th October next will be handed over to the Sheriff for collection according to law;—and that it should be an instruction to the Treasurer to deduct from any sums payable by the Government to Public Officers and others any sums due by them according to the list of defaulters above referred to.

60. In reference to the Tender of Matthew Reynolds, being the lowest for the Cedar Hill Road it appearing that the cost of the work if that Tender were accepted together with a sum already spent on the road would exceed the vote of \$6,000 by \$893.34, the Council were of opinion that the vote being insufficient to complete the work it was inexpedient to proceed with it until it could be undertaken as a whole.

61. His Excellency the Governor submitted to the Council the question whether it was desirable that the subject of public education should be brought forward in the Legislative Council, which was resolved in the affirmative.

His Excellency the Governor stated his opinion that the system of public education should be such that children of all denominations might be enabled to attend the schools maintained at the public expense without doing violence to the religious scruples of their parents.

Adjourned.

A. E. Kennedy Oct. 3/64

### Monday, the 3rd day of October, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Surveyor General.

The Minutes of the last Meeting were read and confirmed.

62. A letter was read from Assistant Surveyor [General] Pearse dated 23rd September 1864 recommending that a new trail should be cut from Goldstream to the forks of Leech and Sooke Rivers, six miles, at an estimated expense of \$1140.

The Council were of opinion that Tenders should be invited for cutting this trail and for bridging and corduroying it where necessary.

63. A letter was read from Henry Kibblewaite [Kibblewhite] dated 22nd September 1864 applying to be allowed to take up land at Goldstream which he had occupied since October 1863.

The Council were of opinion that the applicant might be permitted to occupy the land subject to such Regulations as might be laid down.

64. A letter was read from the Surveyor General dated 26th September 1864 with reference to re-roofing the porches of the Court House and House of Assembly &c., to the extension of the balconies of both buildings, and to converting the barrack store into a stable.

The Council were of opinion that the work should be undertaken by the Surveyor General.

- 65. His Excellency the Governor with the concurrence of the Council accepted a Tender from Messrs. White and Company for painting the Race Rock Lighthouse for \$430.
- 66. A letter was read from Messrs. Anderson and Company, agents of the Royal Insurance Company, dated 27th September 1864 suggesting the insurance of the public buildings, at Victoria.

The Council were of opinion that Tenders should be invited for insuring the whole of the public buildings in James Bay.

67. A Despatch was read from the Secretary of State for the Colonies No. 27 dated 1st August 1864 stating that the accounts of the Revenue of a Colony possessing a Representative Assembly are not subject to audit in England, but that the Crown Revenues of the Colony should have been so audited.

Adjourned.

A. E. Kennedy Oct 10/64

# Monday, the 10th day of October, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 68. Benjamin William Pearse, Acting Surveyor General was sworn in a Member of the Council.
- 69. A Message from the Speaker of the Legislative Assembly dated 7th October 1864 enclosing a Resolution of the Assembly for transmission to the Secretary of State pledging the Assembly to vote £1200 per annum as salary to the successor of the present Chief Justice, was read.

A Despatch from the Secretary of State for the Colonies No. 4 dated 12th May 1864 relative to the appointment of a new Chief Justice, was also read.

His Excellency the Governor read his proposed reply to the Resolution, stating his willingness to transmit it to the Secretary of State but pointing out the necessity of a permanent provision.

The Council concurred in the proposed Message.

70. Letters were read from Mr. G. H. Cary late Attorney General, dated 20th September and from the Acting Attorney General dated 4th October 1864 relative to short payment into the Treasury by Mr. Cary of fees receivable by him as Registrar of Joint Stock Companies.

The Council in a full consideration of the matter were of opinion that Mr. Cary should be informed that if the sums payable be not promptly paid over legal proceedings will be taken for their recovery.

- 71. In reference to "A Bill respecting Barristers and Attorneys at Law," passed by the Legislative Assembly it was resolved that it should be treated as an open question by the Members of the Council, in the Legislative Council.
- 72. In reference to the Minute of the Council of the 26th September 1864 on the subject of Public Education the Council were of opinion that the Legislative Assembly having taken that subject into consideration it was inexpedient to proceed with the Resolutions of which the Acting Attorney General had given notice in the Legislative Council.

73. A letter was read from the Surveyor General dated 29th September 1864 recommending the discontinuance of the services of Mr. Leigh as Inspector of the dredging vessels. A Minute of the Surveyor General suggesting the reconsideration of the subject was also read.

The Council were of opinion that Mr. Leigh's services should be continued until the hulls of the vessels should be completed and that the Acting Surveyor General should be requested to report the earliest period when his services could be dispensed with.

74. A letter was read from the Surveyor General dated 13th September 1864 showing the current expenditure for the improvement of Victoria Harbour to be in excess of the vote for the purpose.

The Council were of opinion that the subject should be brought under the notice of the Legislative Assembly.

Adjourned.

A. E. Kennedy

# Wednesday, the 19th day of October, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

75. The following Tenders were accepted by His Excellency the Governor with the concurrence of the Council.

John Nicholson for cutting &c. road from Pedder Inlet to copper Mine, Secretary Island at \$97 per mile.

C. Ochsner and Alexander Mackenzie for cutting &c. a mile trail from Gold-stream to the Forks of Leech and Sooke Rivers at \$75 per mile.

John J. Cowley for cutting &c. a road from Shawnigan to Cowichan at \$78 per mile.

- 76. His Excellency the Governor signed a plan of a Townsite at Maple Bay.
- 77. The Council concurred in the approval of His Excellency the Governor of an outlay of from \$300 to \$500 for altering the deck of the steam dredge for Victoria Harbour improvement, to admit the machinery as recommended by the Acting Surveyor General in a memorandum dated 10th October 1864.
- 78. A letter was read from Messrs. Duncan and George dated 17th October 1864 applying to be allowed to cut timber on 1000 acres of land to the westward of Sooke Harbour.

The Council were of opinion that Messrs. Duncan and George should be informed that pending the decision of the Legislature upon the question of Crown Lands the Governor does not feel justified in taking any action in the matter.

79. A letter was read from Mr. Stephens dated 17th October 1864 proposing fees to be paid to the Acting Gold Commissioner for the survey of disputed boundaries of mining claims. A minute of the Acting Surveyor General thereon was also read.

The Council were of opinion that Mr. Stephens and the Acting Gold Commissioner should be informed that no outlay can be authorized on this head pending permanent Regulations and that parties disputing the boundaries of claims must take their own measures for proving their respective cases.

80. A letter was read from the Postmaster dated 12th October 1864 stating his inability to pass the account for the conveyance of Mails from Victoria to Comox by the "Emily Harris" without authority the Mails not having been carried according to contract.

The Council were of opinion that the account might be passed but that the Postmaster should give notice to the owner of the "Emily Harris" that the contract will be terminated at the end of the month. The Council were further of opinion that an offer should be made to the owners of the "Fideliter" to convey the Mails on the same terms as the "Emily Harris" till the end of the year when fresh Tenders will be called for.

81. A letter was read from the Acting Attorney General dated 13th October 1864 by which it appeared that although Mr. Cary late Registrar of Joint Stock Companies had registered the Britannia Quartz Mining Company, no fee appeared to have been paid by the Company nor had the registration been recorded.

The Council were of opinion that a copy of the certificate of registration should be sent to Mr. Cary and that he should be informed that no fee appears to have been credited to the public and requested to afford any information he may see proper in the matter.

- 82. A Petition was read from Mr. J. Nagle and others applying for the construction of the road from Ogden Point to Victoria. The Council were of opinion that Tenders should be invited for the work to the extent which the vote of \$1500 might cover.
- 83. A letter was read from Messrs. Lodge and Landale dated 17th October 1864 applying for reserves of land for coal mining purposes in the Cedar District.

  The Council were of opinion that the applicants should be informed that pending the decicion of the Legislative Assembly on the question of the Crown.

pending the decision of the Legislative Assembly on the question of the Crown Lands the only conditions which can be offered are those contained in the Gazette Notice of 11th June 1864.

84. Certain Resolutions passed by the Legislative Assembly on the subject of the Union of the Colony with that of British Columbia were considered.

The Council were of opinion that these Resolutions should be laid before the Legislative Council as having passed the Legislative Assembly.

85. A letter was read from the Stipendiary Magistrate at Nanaimo dated 12th October 1864 pointing out difficulties relative to the collection of trades

licence duties at Nanaimo. The remarks of the Treasurer thereon were also read.

The Council were of opinion that the Assessor should be directed to visit Nanaimo periodically for the purpose of assessment and the Revisors likewise and that the Stipendiary Magistrate should be instructed to receive the duties.

Adjourned.

A. E. Kennedy

# Monday, the 31st day of October, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 86. The Council concurred in the issue by His Excellency the Governor of a special Commission for the trial of Indians in three cases of murder.
- 87. His Excellency the Governor called the attention of the Council to the fact that the Legislative Assembly had taken no action respecting the question of accepting the Crown Lands.

The following Despatches from the Secretary of State for the Colonies were read:

No. 27 dated 1st August 1864 directing the preparation and audit of accounts of Crown Revenue.

No. 32 dated 15th August 1864 with reference to the Civil List &c.

A proposed Message of His Excellency the Governor to the Assembly was read in the tenor of which the Council concurred.

88. A Despatch was read from the Governor of British Columbia dated 14th October 1864 relative to postage and postage stamps as between the two Colonies.

A letter from the Postmaster of Vancouver Island dated 27th October 1864 stating that no payments had been made to British Columbia on account of postage.

The Council were of opinion that a Board should be appointed to inquire into the subject.

89. A letter was read from the Acting Surveyor General dated 26th October 1864 with reference to the construction of the Land Proclamation together with the opinion of the Acting Attorney General thereon stating continuous personal residence of pre-emptors on their land to be requisite.

The Acting Attorney General was requested to prepare a notice on the subject for the Government Gazette.

90. A letter was read dated 19th October 1864 from Mr. P. J. Hall desiring to preempt certain lands.

The Council were of opinion that the lands sought being reserved no title could be given to them till the question of the Crown Lands should be settled

but that Mr. Hall might be permitted to occupy the land subject to any rules and regulations which might be laid down at a future time.

91. His Excellency the Governor with the concurrence of the Council accepted the following Tenders:

M. M. Titus to construct bridge at Swan Lake, Saanich Road for \$125. Matthew McGowan to plaster Fisgard Lighthouse for \$360.

92. The Council concurred in the acceptance by His Excellency the Governor of the following Tenders:

Malcolm Munro to make Cedar Hill Road, Section 1, for  $1.6\%_{100}$  per lineal yard, and Cedar Hill Road, Section 2, for  $1.9\%_{100}$  per lineal yard.

Adjourned.

A. E. Kennedy Nov. 23/64

#### Wednesday, the 23rd day of November, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

93. His Excellency the Governor stated that information had reached him that Mr. Richard Golledge, Acting Gold Commissioner at Sooke River had been guilty of conduct unbecoming an officer and a gentleman in having been, at his station, in a state of intoxication, and in having there played cards in a public drinking tent with a common prostitute.

The following letters on the subject were read:

Letter from the Acting Colonial Secretary to Mr. Golledge dated 21st November 1864 stating matters charged against him and affording him an opportunity of denying them.

Letter from Mr. Golledge in reply dated 21st November 1864 denying the charges.

Letters dated 22nd November 1864 addressed to Mr. Ernest R. Walker and Capt. Robert Owston inquiring whether they are aware of the facts alleged against Mr. Golledge.

Letters from Mr. Ernest R. Walker and Captn. Robert Owston in reply dated respectively 23rd and 22nd November 1864.

His Excellency the Governor stated that he had personally explained the charges to Mr. Golledge.

Mr. Richard Golledge, Acting Gold Commissioner, was called in.

Mr. Ernest R. Walker was called in.

The letter of the Acting Colonial Secretary to Mr. Golledge of 21st November 1864 was read.

Mr. Golledge admitted receiving this letter.

The letter of Mr. Golledge of 21st November 1864 was read.

Mr. Golledge admitted writing this letter.

The letter of the Acting Colonial Secretary to Mr. Golledge of 22nd November 1864 was read.

Mr. Golledge admitted receiving this letter.

The letter of the Acting Colonial Secretary to Mr. Ernest Walker of 22nd November was read.

Mr. Walker stated that he had received that letter.

The Governor (To Mr. Walker) Did you in answer to that letter write this letter, "I have the honor to acknowledge the receipt of your letter of yesterdays date and beg to state in answer thereto that I have seen Mr. Golledge in a state of intoxication and playing cards with a prostitute while resident at Sooke Mines and would testify to the same in the presence of Mr. Golledge if required."

- A. I wrote that letter this morning.
- Q. Have you anything to add to that letter.
- A. Insofar as I have seen Mr. Golledge intoxicated and playing cards with a prostitute. The facts I refer to in that letter happened on one occasion. Mr. Golledge was intoxicated to judge by his actions and playing cards with a prostitute, a person named Fanny Clarke.

Mr. Golledge Who were present when you saw me in a state of intoxication in open day.

- A. I did not say "in open day."
- Q. Who were present.
- A. There was Wall the man who keeps the tent.
- Q. Anybody else.
- A. Captain Owston.
- Q. Any others.
- A. A Miner named Jack, and Richard Porter I think—a man named Draper—Dr. Hall was there.
  - Q. And you saw me playing cards in the tent.
  - A. I saw you playing cards in the tent.
  - Q. With a prostitute.
  - A. With a prostitute.
  - Q. At what hour of the day was this.
- A. I should imagine about half past nine or ten in the evening and later than that.
  - Q. Only on one occasion.
  - A. Only on one occasion I saw you playing cards with Fanny Clarke.
  - Q. Had you ever seen me intoxicated before.
- A. It is difficult to say—it is the kindest thing to say of a man when he is like that to say that he is under the influence of drink.

Acting Colonial Secretary Would you say that Mr. Golledge was unmistakeably under the influence of drink.

A. Yes.

- Q. Have you any doubt that those persons must have been equally aware of the fact.
  - A. I should imagine so.

The Governor Who is Dr. Hall.

A. He is a medical man on the creek.

Q. This person, Fanny Clarke, is a person of notorious ill repute.

A. Yes—known I should imagine to the whole community as a prostitute. Acting Attorney General You say that you saw Mr. Golledge intoxicated judging from his acts. What did he do on this occasion.

- A. I think if a man puts up a bottle at 50 yards and offers to bet drinks with the crowd, if he did not hit it and not go anywhere near it—I go more from his language—bragging—I cannot remember exactly what he did say—he talked such nonsense, and allowed Fanny Clarke to call him such names as she did—she called him a little rat in public.
  - Q. How long were you there.
  - A. Four or five hours.
  - Q. How long did it continue.
- A. It was going on when I left. I left after 12. Mr. Golledge was there when I went. He drank continually when I was there. He drank with me a good many times.

Acting Colonial Secretary Were you quite sober at the time.

A. I think so.

Acting Attorney General You saw him playing cards with Fanny Clarke.

A. Yes—at Euchre there were four persons. They were playing for an hour or two. I do not know what they were playing for—drinks I suppose.

The Governor You stated something about another occasion that Mr. Golledge was boasting of hitting a bottle at 50 yards.

- A. He bet drinks all round that he would. It was either the morning of the same day or the morning of the next day.
- Q. Are you in a position to say whether Mr. Golledge was then under the influence of drink.
- A. I thought so and I think so still. The remark we made among ourselves was "Mr. Golledge is tight again."
  - Q. Was "betting drinks all round", with a number of people.
- A. There were men standing round the bar. Draper was one. Wall was one.

Acting Colonial Secretary Have you had any disagreement with Mr. Golledge.

A. No, I do not think we have. I have no ill feelings to him. We have often had a glass of beer together.

Mr. Golledge How many drinks did you take that morning when you came to my tent to carry out the bet about the bottle.

- A. I do not know I am sure—about four or five.
- Q. Where was I.
- A. Outside your tent.
  - Q. Did you see me shoot.

A. Yes. I said "What a muff you are."

Acting Colonial Secretary Can you call to mind any language used by Mr. Golledge.

No.

Q. What was his conduct to the prostitute.

A. Playful.

The Governor This place where Mr. Golledge was with the prostitute was a public place.

A. Yes. An open bar.

Q. You stated four persons were playing cards. Can you state who the other two were.

A. I am not certain.

Mr. Golledge stated that he had no further questions to put to Mr. Walker. Mr. Walker withdrew.

Captain Robert H. Owston was called in and examined as follows:

The Governor Will you inform me whether you received a letter to this purport (reading the letter of the Acting Colonial Secretary to Captain Owston of the 22nd November 1864).

A. I received such a letter.

Q. Did you write this letter in reply, to the Acting Colonial Secretary, "In answer to your letter of this date I have the honor to state for the information of His Excellency the Governor that I have seen Mr. Golledge, the Acting Gold Commissioner for Sooke, in a state of intoxication at a public drinking tent on the creek, I have also seen the same official playing at cards with a prostitute in the same tent."

A. I did.

Q. Can you recollect the names of any other persons of character or credit who were present on that occasion.

A. I cannot exactly.

Q. Who keeps the drinking tent.

A. Wall.

Q. What was your reason for supposing that Mr. Golledge was in a state of intoxication on that occasion. How did you judge of it.

A. From his conduct and manner.

Q. At what hour was this.

A. In the evening late.

Q. Were there a number of people in the tent at the time.

A. A number outside the tent. The tent was thrown back and there was a fire and seats in front.

Q. Was Mr. Golledge on that occasion playing cards with anybody.

A. Yes I believe he was on that same occasion. I certainly did see him playing cards. I will not be quite certain whether it was on that occasion.

Q. But you saw him playing cards in a public tent.

A. Yes.

Q. Who was the woman he was playing cards with.

A. Fanny Clarke.

- Q. Is that Fanny Clarke a prostitute by repute.
- A. I believe so certainly.
- Q. You consider her so and other people do.
- A. Yes and she considers herself so.
- Q. Is she a notorious character.
- A. Oh yes. She was up at Cariboo this year.
- Q. Have you any reason or object in making these statements except being called upon by me to do so.
  - A. None whatever.
- Q. Have you any doubt on the occasion that you state that Mr. Golledge was in a state of intoxication.
  - A. Not the slightest.
  - Q. Have you seen him in that state more than once.
- A. I have seen him what would be called intoxicated on more than one occasion.
  - Q. Under the influence of drink.
  - A. Under the influence of drink.
- Q. Were you present on any occasion when Mr. Golledge was practising with a pistol at a bottle.
  - A. I was.
  - Q. Was he betting on that occasion.
  - A. He was. He made a wager with myself that he would hit the bottle.
  - Q. What was this wager—for money or drink.
  - A. It was for drinks.
  - Q. Was Mr. Golledge sober on that occasion.
- A. I could not say that he was sober on that occasion. That was in the morning.
- Q. What was your impression from his conduct on that occasion. Was it the conduct of a steady sober man.
- A. I should not say he was intoxicated. He might have been a little nervous from the effects of the previous night.
  - Q. Were there many people about on that occasion.
  - A. A great many. It was about noon.
  - Q. And this was at the immediate scene of Mr. Golledge's official duties.
  - A. He loaded the pistol in his tent.
  - Q. But it was at the immediate scene of his duties.
  - A. Yes.
  - Q. Who were the people that were standing about.
- A. Miners and labouring men and this Fanny Clarke was there too looking on.

Acting Attorney General—What did you see Mr. Golledge do particularly in the evening when you say he was intoxicated. Did you see him drink.

- A. I cannot say the quantity. I did not notice what amount he drank.
- Q. What made you think he was intoxicated. What did he say or do.
- A. I saw him attempt to jump.
- Q. What was the result of that.
- A. A fall. He made a very poor jump and fell back.

Q. Was he speaking in a way to attract your attention.

A. He talked very foolishly. He said he wanted ten dollars out of me for a ditch we cut. He said Government must have it. I did not think it right to speak about it after business hours.

Q. Did he talk or shout much.

A. No. He talked at random. He wanted to make some absurd bets—what he could do in jumping and one thing and another—shooting.

Q. With whom were the bets made.

A. He offered to make them generally and when any one offered to take him he declared off.

Colonial Treasurer Can you state the circumstances under which this Fanny Clarke was in the tent. What brought her there.

A. I do not know. I found her there.

Acting Attorney General Did you positively see Mr. Golledge playing cards with Fanny Clarke.

A. Yes.

Q. For how long.

A. I cannot say. I did not remain long.

The Governor Do you happen to know what they were playing for.

A. I believe for drinks but I do not positively know. That is my impression. I believe I heard her say so.

Q. Can you remember how many were playing cards.

A. A party I fancy. Those two were playing together.

Q. You heard him conversing with this woman.

A. Yes.

Q. And you have no doubt that he was associating with that woman in that tent and playing cards with her.

A. Certainly he was.

Q. How far is that tent from Mr. Golledge's office where he transacts his official business—in yards.

A. It is the other side of the creek. I should say about 45 to 50 yards.

Acting Colonial Secretary Have you any doubt whatever of the state that Mr. Golledge was in on that evening.

A. I have not the slightest doubt.

Mr. Golledge How many people were present when I made the jump.

A. I really cannot say. There were several there. There was a man holding a lantern and there were several more looking on.

Acting Surveyor General—Have you any cause of disagreement or enmity to Mr. Golledge.

A. No.

The Governor Would you have made any statement in reference to this subject if you had not been applied to formally by me to do so.

A. Certainly not. In fact I have been asked to sign papers with regard to Mr. Golledge on the creek and have always declined to do so.

Mr. Golledge stated that he had no further questions to put to Captain Owston.

Captain Owston withdrew.

His Excellency the Governor inquired of Mr. Golledge what he wished to say in his defence after hearing the evidence.

Mr. Golledge denied being intoxicated and also denied that he had played at cards with Fanny Clarke in the tent, but admitted that he had played at Cards with her in the immediate vicinity of it and desired to have, Mr. Draper Mr. Wall, and Dr. Hall called in his defence.

Mr. Golledge was directed to withdraw.

The Council deliberated and affirmed the following Resolution, the Governor, the Acting Colonial Secretary, and the Acting Surveyor General voting for it, and the Acting Attorney General and the Colonial Treasurer voting against it:

The Council having heard the evidence adduced in reference to Mr. Golledge's conduct together with what he has stated in his defence is of opinion that there are sufficient grounds for his suspension pending the decision of Her Majesty's Secretary of State for the Colonies.

Adjourned.

A. E. Kennedy Nov. 28/64

# Monday, the 28th day of November, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

94. A letter was read from His Honor the Chief Justice dated 24th November 1864 reporting sentence of death passed upon, and enclosing his notes of the trial of, Quoquilimot and Stashal, both Indians, for the murder of Mary Smith and her child, Tax, Neach, and Lo-lo-ax, all Indians, at Saltspring Island.

The Council were of opinion that it was not expedient to interfere with the course of the law.

95. A letter was read from the Acting Attorney General dated 6th October 1864 together with a letter from Mr. J. D. Pemberton late Surveyor General dated 17th October 1864 and a Minute of the Acting Attorney General thereon dated 14th November 1864 recommending in respect of a suit with the Hudson's Bay Company that the Company should be applied to for an account in a proper and formal manner.

The Council were of opinion that the course proposed by the Acting Attorney General should be adopted.

96. A Memorandum was read from the Acting Surveyor General dated 25th November 1864 with reference to certain lands the payments for which were in arrear.

His Excellency the Governor stated that he had postponed the sale of such lands till February 1865 in which course the Council concurred.

Adjourned.

A. E. Kennedy Nov. 29

## Tuesday, the 29th day of November, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 97. His Excellency the Governor with the concurrence of the Council accepted a Tender from M. Munro for the erection of two bridges at Albert Head for \$2.95/100 per lineal foot.
- 98. Mr. Richard Golledge Acting Gold Commissioner was called in. Mr. Henry Kibblewhite was called in and examined as follows:

The Governor. You have been called upon I believe by the Government to state what you know in reference to some acts of Mr. Golledge.

- A. Yes
- Q. Have you any difference or animosity towards Mr. Golledge of any sort or description.
  - A. None whatever.
- Q. You keep a house of public accommodation on the road between Victoria and Leech River.
  - A. I do.
- Q. Do you remember seeing Mr. Golledge on or about the 6th or 7th of November.
  - A. On or about that time.
  - Q. He came to your house about that day.
  - A. He did.
  - Q. Was there any person in company with him.
- A. Yes. They came in together. I do not know whether they were travelling together. Mr. Golledge was I believe on his way to Victoria.
  - Q. The person with him was a woman named Fanny Clarke.
  - A. Yes.
  - Q. She came into your house together with him.
  - A Vec
  - Q. How long did they remain in your house.
  - A. I cannot say.
  - Q. Did they leave it together.

- A. They did.
- Q. How were they proceeding. Were they riding or walking.
- A. To the best of my knowledge Mr. Golledge was walking and Fanny Clarke was riding.
  - Q. How was the woman dressed at that time.
  - A. She had on a pair of my trowsers.
  - Q. Partly in male attire.
  - A. Yes.
- Q. Do you know anything of the character of that woman by repute or otherwise.
- A. I believe she is well known as a common prostitute. I do not think she makes any secret of it.
  - Q. Do you know when Mr. Golledge returned after that visit to Victoria.
  - A. He returned the same week.
- Q. Can you tell me whether they had anything to drink in your house on that occasion.
  - A. I think they had a glass of porter.

Acting Colonial Secretary. Were Mr. Golledge and the woman sober on that occasion.

A. Yes.

Mr. Golledge admitted the correctness of Mr. Kibblewhite's evidence, and stated that he had no questions to put to him.

Mr. Kibblewhite withdrew.

Mr. Christian Ochsner was called in and examined as follows.

The Governor. You are the Contractor on the road between Victoria and Leech River.

- A. Yes.
- Q. You have been called upon I believe by the Government to state what you know in reference to some part of Mr. Golledge's conduct.
  - A. Yes I was.
  - Q. Have you any personal feeling or animosity towards Mr. Golledge.
  - A. Not at all.
- Q. You would not have made any statement unless you had been called upon so to do.
  - A. No. I was sorry I had to come.
- Q. Did you meet Mr. Golledge upon that road coming towards Victoria at any period lately.
  - A. I did.
  - Q. About what time.
- A. Well at the beginning of this month. I could not exactly say—between the 6th and 13th of this month.
  - Q. Was Mr. Golledge riding or walking.
  - A. He was on a horse.
  - Q. What kind of saddle had he upon that horse.
  - A. A lady's saddle—a side saddle.
  - Q. Was there anybody with him on that occasion.
  - A. There was a female called Fanny Clarke walking behind.

- Q. How was she dressed on that occasion.
- A. In man's attire—in man's clothing.
- Q. Had you seen that horse before.
- A. I had seen it going up to Leech River. The horse was then behind a wagon and she was riding in the wagon.
  - Q. At what hour of the day was it that you say you met them.
- A. I should say between 12 and 3. I walked right out from Victoria in the morning to the place where I met them.
  - Q. Can you state whether Mr. Golledge was sober or not at that time.
  - A. I could not. I should think he was.
  - Q. How far was it from Mr. Kibblewhite's house.
  - A. About as near as I could say a mile and a quarter.
  - Q. Do you know what is the character of this woman Fanny Clarke.
  - A. She bears a very bad character.
  - Q. She is by repute a notorious prostitute.
  - A. Yes.

Acting Surveyor General Was it before or after I walked through to show you the bridges at Leech.

A. It was before.

Acting Colonial Secretary Did you stop and speak to Mr. Golledge and the woman.

A. Mr. Golledge walked on without stopping. The woman stopped for a moment and asked if the steamer was in. That was all that passed.

Mr. Golledge admitted the correctness of Mr. Ochsners evidence and stated that he had no question to put to him.

Mr. Ochsner withdrew.

Mr. R. C. Portway was called in and examined as follows:

The Governor Have you been called upon by the Government to state what you know in reference to some part of Mr. Golledge's conduct.

- A. Yes.
- Q. Would you have made any statement if you had not been called upon so to do.
  - A. I should not if I had not been called upon.
  - Q. Did you see Mr. Golledge in Wall's drinking tent at any period lately.
  - A. Yes.
  - Q. How long ago.
  - A. About three weeks.
  - Q. What was he doing on that occasion.
  - A. He was playing cards.
  - Q. Whom was he playing cards with.
  - A. With Fanny Clarke.
  - Q. About what o'clock was that.
  - A. About six in the evening as nearly as I can recollect.
  - Q. What is the character of this woman Fanny Clarke.
  - A. She is a prostitute by repute.
  - Q. Did you see Mr. Golledge again during that evening.
  - A. I saw him after dinner the same evening at a later hour.

- Q. What was he doing then.
- A. He was having another game of cards.
- Q. Was it with the same woman.
- A. The same and some more—there were four playing together.
- Q. Do you know what they were playing for on the first occasion.
- A. For drinks.
- Q. Did Mr. Golledge make any remark at the end of the game.
- A. "I have lost" I believe he said.
- O. Did he order drinks then.
- A. Yes. I will not say that he ordered them but all hands came and had drinks at his expense.
  - Q. Those present.
  - A. Yes.
  - Q. Did Mr. Golledge return again to the tent after dinner.
  - A. Yes.
  - Q. And played again.
  - A. And played again.
- Q. What o'clock was it when you last saw Mr. Golledge that night at the tent.
  - A. I could not say—about midnight I suppose.
  - Q. Was he then sober or drunk or in what condition was he.
  - A. I should not say sober but he was not drunk.
  - Q. He was obviously under the influence of drink.
  - A. Yes. He was perfectly able to do anything.
  - Q. Did you see him drinking yourself in the course of the evening.
  - A. Yes.
  - Q. Have you seen Mr. Golledge in that tent on other occasions.
  - A. Once or twice before.
  - Q. Was it a public drinking tent open to the public.
  - A. Yes.
  - Q. Is this tent in immediate proximity to Mr. Golledge's place of business.
  - A. It is on the other side of Sooke River.
  - O. What is the distance of it.
  - A. It is from 50 to 100 yards from Mr. Golledge's place of business.
- Mr. Golledge denied the truth of Mr. Portway's evidence but declined to put any question to him.
  - Mr. Portway withdrew.
  - Mr. Prior A. Simon was called in and examined as follows.
- The Governor You have been called up by the Government to state what you know in reference to some portion of Mr. Golledge's conduct.
  - A. Yes.
  - Q. Did you see Mr. Golledge about the 3rd of November at Bacon Bar.
  - A. I did.
  - Q. Where did you see him on that occasion.
  - A. At our store. It is a public house.
  - Q. About what o'clock was that.
  - A. About four o'clock in the afternoon.

- Q. Was he playing cards on that occasion.
- A. He was.
- Q. Who was he playing with.
- A. A man who lives round there and has a claim in the neighbourhood—a miner.
  - Q. Was Mr. Golledge sober on that occasion.
- A. Mr. Golledge in my opinion was not exactly sober but I could not say he was drunk with the excitement at the time. He had been drinking but far from trying to create any disturbance he tried all he could to quell it. There was a man came in who was very much the worse for liquor and wanted to have a fight and Mr. Golledge intercepted and prevented a disturbance in the house.
  - Q. Had Mr. Golledge on that occasion a sparring match with anybody.
- A. He had a sparring match with the man he had been playing with—the man he was playing with proposed that they should spar for fun and Mr. Golledge consented—and they stood up and I believe Mr. Golledge hit him first and this man being the worse for liquor got out of temper and it was on this occasion that Mr. Golledge intercepted and tried to keep the peace.

Acting Colonial Secretary Was the man that was drunk the same man that Mr. Golledge was playing cards with.

A. Yes.

The Governor Have you any ill feeling or animosity towards Mr. Golledge of any description.

A. Not the slightest.

Acting Surveyor General How far is Bacon Bar from the Forks.

A. About a mile and five eighths from Mr. Golledge's place of business.

Mr Golledge Was it four o'clock when this occurred.

A. I should think it was about four o'clock. Mr. Golledge came there about twelve o'clock and it was about four oclock when this occurred. It was dusk.

The Governor Was Mr. Golledge there during the whole of that period.

A. Yes.

Mr. Golledge You say I hit the man.

- A. You tapped him on the nose the first time. The proposal was that whoever tapped the other on the nose first the one that was tapped on the nose should pay for drinks.
  - Q. Was that proposal made by me.

A. Made by this other man.

The Governor But Mr. Golledge acquiesced in that proposal.

A. Mr. Golledge acquiesced.

Mr. Golledge stated that he had no further question to put to Mr. Simon.

Mr. Simon withdrew.

His Excellency the Governor inquired whether Mr. Golledge had any remarks to make upon the evidence and informed him that if he desired to make any statement he might do so either verbally or in writing.

Mr. Golledge stated that he had no remarks to make.

Mr. Golledge was directed to withdraw.

His Excellency the Governor put it to the Council to say whether Mr. Golledge was now sober.

The Council were of opinion that Mr. Golledge was not sober—that he was under the influence of drink.

Adjourned.

A. E. Kennedy Monday 5th

## Monday, the 5th day of December, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 99. The Council having considered "A Bill to appropriate the sum of £1200 sterling per annum from the General Revenue of the Colony for the salary of a Chief Justice passed by the Legislative Council and Assembly were of opinion that it should be reserved for the Assent or otherwise of Her Majesty.
- 100. A letter was read from the Commissioner of Police dated 30th November 1864 enclosing the resignation of Mr. H. Smith, Superintendent of Police.

The Council were of opinion that under the circumstances no further proceedings should be taken against Mr. Smith.

101. A letter was read dated 29th November 1864 from Mr. J. Copland, enclosing a letter signed "J. Waddell" charging Mr. Smith, late Superintendent of Police, and Mr. Green, Attorney, with attempting to defeat justice in respect of the robbery at the bank of Mr. Macdonald.

The Council concurred with His Excellency the Governor in the propriety of merely acknowledging the receipt of this letter.

102. A letter was read from the Acting Gold Commissioner dated 3rd November 1864 recommending that privileges in respect of the right to hold additional claims should be granted to discoverers of new diggings &c.

The Council were of opinion that privileges similar to those granted in British Columbia should be granted.

103. His Excellency the Governor with the concurrence of the Council accepted the following Tenders.

From William Hick to construct a road from Somenos to Maple Bay for \$100 per Mile.

From John Nicholson for partial repairs of East Saanich Road for  $2.2\%_{100}$  per lineal yard.

104. In reference to the necessity of raising additional Revenue the Council having considered the rate of duty paid on sales at auction, namely ½ per cent, were

- of opinion that the expediency of raising the duty to  $2\frac{1}{2}$  per cent should be considered with the next Estimates.
- 105. In reference to a letter from Mr. J. D. Pemberton dated 2nd September 1864 submitted by the Acting Surveyor General relative to Schmudtz an Indian disabled in the service of the Government, the Council were of opinion that in order to meet this and similar cases a sum should be placed on the Estimates for 1865 under the head of miscellaneous Charitable Allowances.
- 106. With reference to "A Bill relating to the office of Coroner" passed by the Legislative Assembly, the Council were of opinion that the consideration of it by the Legislative Council should be deferred until the course of action with regard to it should have been determined by this Council.

Adjourned.

A. E. Kennedy Dec. 20/64

### Tuesday, the 20th day of December, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed .

107. A Bill relating to the office of Coroner passed by the Legislative Assembly was considered.

The Council were of opinion that the Bill should be rejected by the Legislative Council and that a new Bill should be prepared by the Acting Attorney General.

108. A Despatch was read from the Secretary of State for the Colonies No. 39 dated 29th September 1864 approving amendment of "The first Telegraph Act 1864" in respect of monopoly of telegraphic communication conferred on California State Telegraph Company.

The Acting Attorney General was directed to prepare a Bill for the purpose.

- 109. A Despatch was read from the Secretary of State for the Colonies No. 40 dated 29th September 1864 approving the writing off from the public accounts, of the defalcations of Mr. J. Nagle, late Harbour Master.
- 110. The Council concurred in the acceptance by His Excellency the Governor of a Tender from John Morris to make a road from Craigflower to Burnside for \$175 per lineal mile.
- 111 & 112. A letter was read from the Stipendiary Magistrate at Nanaimo dated 17th December 1864 relative to disturbances caused by Indians in the Comox District.

The Council were of opinion that a sum should be placed on the Estimates for 1865 for the maintenance of a Stipendiary Magistrate at Comox.

113. His Excellency the Governor with the concurrence of the Council accepted the following Tender for the service of the year 1865.

Messrs. Hutchinson and Co. to supply Lighthouses with provisions for \$900, coals for \$450, and water at 8 cents a gallon.

Messrs. Wallace and Allen to print the Government Gazette at 80 cents per page of ordinary matter and 33.45/100 per page of tabular matter.

Messrs. Hutchinson and Co. to supply the Government with meat at 9½ cents per pound and vegetables at 4 cents per pound.

Mr. D. Kavanagh to supply coal at \$11 per ton and wood at \$3 and \$5 per cord.

Messrs. Wilson and Murray to supply bread and groceries at various prices.

Mr. T. B. Shaw to convey Mails weekly between Victoria and Saanich for \$300.

Mr. H. E. Wilby to convey Mails between Victoria and Esquimalt daily Mail for \$3 per diem and express Mails for \$6 and \$2 subject to the expense being voted by the Legislature.

- 114. The Council were of opinion that the consideration of Tenders for the conveyance of Mails between Victoria and Sooke Mines should stand over till the Estimates for 1865 should be passed.
- 115. A letter was read from Messrs. Henderson and Burnaby dated 19th December 1864 proposing that the Government should cancel the lease of certain land at Nanaimo to Mr. A. G. Horne, that as Trustees of the estate of Mr. Horne they should pay the rent up to the end of the current quarter, that they should formally convey the building erected on the land to the Government, and that the Government should pay for the building \$1500 as soon as a vote for that purpose should be passed.

The Council were of opinion that the proposal should be accepted.

Adjourned.

A. E. Kennedy

# Wednesday, the 28th day of December, 1864

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney-General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 116. The Council concurred in the acceptance by His Excellency the Governor of the Tender of the Vancouver Island Coal Mining and Land Company to convey Mails during 1865 between Victoria and Nanaimo and Comox and intermediate places.
- 117. A Despatch from His Excellency the Governor to the Secretary of State for the Colonies No. 50 dated 1st August 1864 relating to the opinion of the Chief Justice that real property cannot be alienated for the payment of taxes thereon,

and the reply of the Secretary of State thereto No. 50 dated 27th October 1864 giving the opinion of the Law Offices of the Crown that real property may be so alienated, were read.

The Council were of opinion that the Treasurer should be directed to make out a list of defaulters in respect of real estate tax and hand the same to the Sheriff for recovery.

118. A Despatch from His Excellency the Governor to the Secretary of State for the Colonies No. 46 dated 14th July 1864 relative to the reservation of Assent by the Governor to "A Bill respecting Barristers and Attorneys" was read together with the reply of the Secretary of State No. 54 dated 29th October 1864 authorizing the Governor to give his assent.

The Council were of opinion that the Bill should not be assented to in view of the passing of another Bill now nearly through the Legislative Council.

119. The following Despatches from the Secretary of State for the Colonies were read:

No. 47, dated 20th October 1864 approving the acceptance of the resignation of Mr. G. H. Cary, Attorney General.

No. 45, dated 20th October 1864 approving the convening of the Legislature by the Governor.

No. 43, dated 20th October 1864 acknowledging receipt of Address of Governor on opening Legislature.

No. 53, dated 28th October 1864 approving provisional appointment of Mr. T. L. Wood to be Acting Attorney General.

No. 56, dated 29th October 1864 with reference to an application of Mr. D. B. Ring to be appointed Attorney General.

No. 46, dated 20th October 1864 approving appointments of Acting Gold Commissioner and Acting Stipendiary Magistrate at Sooke.

No. 58, dated 1st October 1864 relative to Bills drawn on the Crown Agents for the Colonies for £4000 on account of the Road and Harbour Loan.

120. A Despatch from the Secretary of State for the Colonies No. 49 dated 26th October 1864 relative to a proposal to divide into two the Diocese of British Columbia was read.

The Council were of opinion that such a division of the diocese was desirable.

121. A letter was read from the Acting Attorney General dated 21st December 1864 with a correspondence enclosed showing that the Hudsons Bay Company had refused to give an account applied for of sales of certain lands by them.

The Council were of opinion that pending a reference of the matter to the Secretary of State for the Colonies by His Excellency the Governor and with a view to avoid delay, legal steps if necessary should be taken to compel the disclosure of the information sought.

122. The Council having considered the subject were of opinion that a supply of postage labels of the value of five and ten cents each should be procured from England.

123. A Petition from Inhabitants of Nanaimo praying for the establishment of a small debt Court there was considered.

The Council were of opinion that a Measure for this purpose was desirable.

124. A letter was read from the Acting Town Clerk of Victoria dated 20th December 1864 enclosing a Resolution of the City Council requesting the Government to pay the second instalment of the loan from the Bank of British North America due on the 31st instant amounting to \$10170 including interest for one year.

The Council were of opinion that in view of an outstanding balance due by the City to the Government of \$6982 and of the present state of the finances of the Colony the Government were wholly unable to comply with the request of the Corporation to pay to the Bank of British North America the amount of the Debentures falling due on the 31st December 1864, viz. \$10,170.

125. The Council having considered a draft Bill to amend the First Telegraph Act 1864 were of opinion that it should be introduced into the Legislative Council forthwith.

Adjourned.

A. E. Kennedy

#### Tuesday, the 10th day of January, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

1. Two letters were read from the Chief Justice dated 28th December 1864 respecting the preparation of Returns relative to Bankruptcy and Probate and in reference to the non production by the Acting Registrar of the Supreme Court of vouchers and other documents respecting the estates of deceased persons administered by the Registrar acting as Official Administrator.

The Council considered and settled the draft of a letter to be written to the Chief Justice calling upon him to state whether or no he will produce the required documents.

Adjourned.

A. E. Kennedy

# Friday, the 13th day of January, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

2. The proposed Estimates of Revenue and Expenditure for 1865 were considered together with a letter from the Acting Colonial Secretary dated 12th January 1865 in explanation thereof.

The Council were of opinion that the Estimates should be laid before the Legislature.

3. His Excellency the Governor with the concurrence of the Council accepted the Tender of the Vancouver Coal Mining Company to supply about 1200 tons of coal for the use of the tug and dredger about to be employed in Victoria Harbour.

Adjourned.

A. E. Kennedy

### Monday, the 30th day of January, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the Meetings of 28th December 1864, and of the 10th and 13th January 1865 were read and confirmed.

4. His Excellency the Governor with the concurrence of the Council assented to "An Act respecting Barristers and Attorneys at Law."

The Acting Attorney General was instructed to confer with the Chief Justice with a view to additional Rules of the Supreme Court being prepared in pursuance of this Act.

5. His Excellency the Governor brought before the Council certain Resolutions passed by the Legislative Assembly in reference to the State of the Colony and recommending union with the Colony of British Columbia.

The Council were of opinion that these Resolutions should be acknowledged and action thereon deferred.

6. A Bill respecting the Medical Board and Practitioners in Medicine and Surgery passed by the Legislative Assembly was considered.

The Council were of opinion that the course to be adopted with reference to this Bill in the Legislative Council should be left to the discretion of individual Members.

7. A Petition from Sarah Rowland, and letters from Thomas Estall and from W. P. Sayward, John Jackson, and T. B. Shaw dated respectively 23rd November and 26th November 1864 were read, and also a further letter from Sarah Rowland dated 12th January 1865 complaining that Herman Rolant the Contractor for building the Supreme Court House had not paid for the material furnished.

The Council were of opinion that the question treated of in these papers arose and appeared to have been adjusted during the Government of His Excellency's Predecessor and that His Excellency could not undertake to re-open or review it.

8. A Memorandum of the Acting Surveyor General dated 19th January 1865 was read enclosing a plan for baths and wash house proposed to be erected at the Gaol Victoria at an estimated cost of \$425.

The Council approved of the work being undertaken.

Adjourned.

A. E. Kennedy

### Thursday, the 9th day of February, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

9. A Despatch was read from the Secretary of State for the Colonies No. 63 dated 29th November 1864 enclosing the opinion of the Law Officers of the Crown relative to the question whether the Corporation of Victoria possess the power of taxing trades and professions under "The Victoria Incorporation Act 1862."

A draft Bill to explain "The Victoria Incorporation Act 1862" was also read.

The Council were of opinion that the Bill should be introduced into the Legislative Council.

10. A letter was read dated the 1st February 1865 from Messrs. Jay and Co. stating the terms on which they would be prepared to transfer to the Government lands held by them on Discovery Island.

The Council were of opinion that the proposals of Messrs. Jay and Co. could not be entertained.

Adjourned.

A. E. Kennedy

## Friday, the 14th [17th] day of February, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 11. Letters were read from the Postmaster dated 17th January 1865, from Mr. W. F. Tolmie, Chief Factor of the Hudsons Bay Company, dated 31st January 1865, and from the Colonial Secretary of British Columbia dated 4th February 1865 by which it appeared that two distinct arrangements were in existence for the conveyance of Mails between Vancouver Island and British Columbia as follows:
  - 1. Vancouver Island to pay to the Hudson's Bay Company \$485 per annum and half the Harbour Dues paid by the vessels conveying the Mails, and
  - 2. British Columbia to pay to the Hudson's Bay Company \$600 per annum. It also appeared that the Hudson's Bay Company claimed for the service of 1864, \$485, and \$862.82 being half the amount of the Harbour Dues.

The Council were of opinion that the amount claimed should be paid and that a communication should be made to the Government of British Columbia with a view to placing the service on a more satisfactory footing, and that the Hudson's Bay Company should be informed that as regards 1865 the matter is under consideration.

12. A letter was read from the Colonial Treasurer dated 7th February 1865 suggesting the propriety of procuring a supply of cent pieces with a view to insure exactitude in the receipts and payment of moneys.

The Council were of opinion that the matter should stand over for the present.

- 13. His Excellency the Governor with the concurrence of the Council accepted a Tender from Messrs. Roper and Co. to supply articles of clothing for the Police and Gaol Departments at various prices.
- 14. The Council were of opinion that the question of Tenders for constructing a bridge at Fisgard Lighthouse should stand over for the present.

Adjourned.

A. E. Kennedy

### Monday, the 20th day of February, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

15. A communication from the Legislative Assembly was read dated 27th January 1865 enclosing Resolutions on the State of the Colony and recommending union with British Columbia.

The Council were of opinion that it would not be desirable to express any opinion on this subject in the Legislative Council and that any Resolution which might be proposed in the Legislative Council other than simply affirming the desirability of Union should be met by an amendment to the effect "That the Legislative Council regards it as undesirable to express an opinion upon the expediency or otherwise of uniting the Colonies of Vancouver Island and British Columbia."

16. A letter was read from Messrs. Drake and Jackson complaining that the steamer "Jenny Jones" had been carried off by force to the American Territory.

The Council were of opinion that the matter should be submitted to the Attorney General for his opinion as to whether the intervention of the Government was necessary.

17. A letter was read from Mr. D. Kavanagh dated February 16th 1865 stating his readiness to supply the Government with coal and wood on the terms of his Tender of 11th November 1864.

The Council were of opinion that Mr. Kavanagh's Tender should be accepted.

18. A letter was read from the Postmaster dated 18th February 1865 stating that the bonds of himself and his clerk, Mr. Sparrow, were executed in April 1862 and left in the possession of the Attorney General. A Minute of the Acting

Attorney General thereon was also read, to the effect that the bonds cannot be found in his office.

The Council were of opinion that in the event of the bonds not being found in the possession of the late Attorney General, Mr. Wootton and Mr. Sparrow should be called upon to execute fresh bonds.

19. The following Bills passed by the Legislative Assembly were agreed to be treated as open questions in the Legislative Council.

A Bill to provide for taking the Census of the Colony and for obtaining other statistical information.

A Bill respecting Common Schools.

Adjourned.

A. E. Kennedy

### Wednesday, the 9th [8th] day of March, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

20. The following Despatches from the Secretary of State for the Colonies were read:

No. 67, dated 20th December 1864 approving Indian policy.

No. 68 dated 20th December 1864 approving proceedings of Governor Kennedy relative to massacres of Europeans at Bute Inlet and Bentinck Arm.

No. 74, dated 31st December 1864 approving steps taken to discover and punish Indians concerned in the murder of Mr. Banfield and in the massacre of the crew of the sloop "Kingfisher."

21. A Petition was read dated 10th February 1865 from Messrs. James Macintosh, Edward Stephens and others applying to be allowed to change the boundaries of their claims on Leech River.

The Council were of opinion that the application should be granted.

22. The Council were of opinion with reference to "A Bill to establish the Postal Service" that it was expedient that an amendment thereto should be passed by the Legislative Council to enable the Governor to authorize persons to convey letters &c. by express.

Adjourned.

A. E. Kennedy

#### Monday, the 20th day of March, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

23. A Memorandum of the Acting Surveyor General dated 19th October 1864 proposing a scale of fees for the Lands and Works Office was read.

The Council were of opinion that the proposed table of fees should be adopted.

24. A letter was read from Mr. George H. Wilson Brown dated 18th February 1865 making proposals for leasing and working the coal seams discovered by the Exploring Expedition in the Comox District.

The Council were of opinion that Mr. Brown should be informed that in the present position of the Crown Lands question the Governor is not clothed with sufficient power to negociate with him on the terms he proposes but that he will submit those terms to the Secretary of State for his consideration.

25. An ordinance to amend the Law of Evidence passed by the Legislature of British Columbia to enable the Courts to receive the evidence of Aboriginal Natives given without the sanction of an oath was considered.

The Council were of opinion that the same Law should be introduced into the Legislative Council and passed.

26. An ordinance to consolidate and amend the mining laws passed by the Legislature of British Columbia together with a Bill prepared by the Acting Attorney General on the subject of Mining Laws were considered.

The Council were of opinion that the Bill of the Acting Attorney General should be introduced into the Legislative Council.

- 27. The Council were of opinion that Gold Mining Claims laid over till the 31st March 1865 should be further laid over till the 15th of April 1865.
- 28. His Excellency the Governor with the concurrence of the Council accepted a Tender from John T. Howard for the conveyance of Express Mails between Victoria and Esquimalt for \$5 per trip.

Adjourned.

A. E. Kennedy

# Tuesday, the 28th day of March, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Surveyor General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

29. Communications from the Legislative Assembly dated 14th and 21st March 1865 were read enclosing Resolutions suggesting the imposition of charges for

landing permits on horses, cattle, sheep, and carcasses, and a bounty on the export of horses cattle and sheep, and also charges for landing permits for potatoes carrots, turnips and cabbages.

The Council were of opinion that the Harbour Master was the only officer who could be employed to collect these charges.

30. A communication from the Legislative Assembly dated 24th March 1865 was read enclosing Resolutions declining to vote Salaries for the Chief Justice, Treasurer and Surveyor General, amalgamating for payment of salary the offices of Superintendent and Inspector of Police, & declining to vote a sum of \$34,000 from the General Revenue for the reimbursement of moneys paid out of the Crown Revenue for general purposes.

The Council were of opinion that His Excellency the Governor should inform the Assembly that under instructions from the Secretary of State he had no authority to pay the salaries of the Chief Justice Treasurer and Surveyor General, that the Superintendent of Police should be offered £350 a year and that the Inspector of Police should be offered a Serjeant's pay with £50 added and that the question of voting \$34,000 in reimbursement of the Crown Revenue should again be brought under the notice of the Legislative Assembly.

- 31. A communication was read from the Legislative Assembly dated 24th March 1865 suggesting a tax of \$100 upon all persons who sell opium or allow opium to be smoked, eaten or drunk on their premises.
- 32. The Council were of opinion that the foregoing Resolutions of the Legislative Assembly suggesting the imposition of charges should be forwarded to the Acting Attorney General with an instruction to draft Bills to give effect to the Resolutions.

Adjourned.

A. E. Kennedy

## Monday, the 10th day of April, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

33. A communication was read from the Legislative Assembly dated 7th April 1865 enclosing a Resolution fixing the rates for permits for landing goods.

The Council were of opinion that the Resolution should be referred to the Acting Attorney General to prepare a Bill to give effect thereto.

34. A letter was read from Mr. J. McG. Otty and other Road Commissioners of Cowichan dated 1st April 1865 stating that their term of office will shortly expire and recommending certain individuals to be appointed in their stead.

The Council were of opinion that the Gentlemen recommended should be appointed.

35. A Petition was read from Gold Miners dated 8th April 1865 requesting that claims may be further laid over till the 1st of May.

The Governor stated that he had directed the notification of the laying over of claims till that date, in which the Council concurred.

36. A Memorandum was read from the Acting Surveyor General dated 5th April 1865 recommending a fund of \$202 to Mr. Ernest Schloesser being an amount overcharged for land sold in Sallas Island.

The Council were of opinion that the amount should be refunded.

37. His Excellency the Governor with the concurrence of the Council accepted a Tender from Simon Anderson to build a boat for dredging purposes for Victoria Harbour for \$190.

Adjourned.

A. E. Kennedy

## Thursday, the 20th day of April, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer.

The Minutes of the last Meeting were read and confirmed.

38. His Excellency the Governor submitted to the Council a communication from the Legislative Assembly enclosing Resolutions stating they are not prepared to vote a sum of \$15148.95/100 in reimbursement of money paid by the Imperial Government for the erection of lighthouses and asking for further information relative to a sum of \$3406620/100 proposed to be voted for the reimbursement of the Crown Revenues for sums expended thereout for general Colonial purposes.

The draft of a Message in reply was read and met with the concurrence of the Council.

- 39. His Excellency the Governor with the concurrence of the Council accepted a Tender from Arthur Strong to cleanse the latrines at the Gaol, Victoria for \$125.
- 40. The Council approved of an advance of \$400 to Maurice Carey repayable in instalments for the purpose of enabling him to bring members of his family from Ireland on his giving bonds for the repayment thereof.

Adjourned.

A. E. Kennedy

### Monday, the 24th day of April, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

41. His Excellency the Governor submitted to the Council the expediency of purchasing for the Governor's residence, Stoneleigh consisting of house and about 26 acres for \$19,500.

The Council were of opinion that it was desirable to effect this purchase.

42. A Resolution of the Legislative Assembly dated 10th April 1865 asking for the details of the amount of \$34,066 proposed to be reimbursed to Crown Revenue was read.

The Acting Colonial Secretary and the Colonial Treasurer were directed to draw up an account to be furnished to the Legislative Assembly.

43. The Report of a Board dated 30th March 1865 relative to the construction of the tug for Victoria Harbour Improvement was read. A Report of the Acting Surveyor General dated 4th April 1865 and a letter from Mr. R. Ewing the contractor dated April 22nd 1865 claiming payment were also read.

The Council were of opinion that the portion of the Report of the Board pointing out the respects in which the tug has not been constructed according to specifications should be submitted to Mr. Ewing with an intimation that when he shall have made good the defects the amount claimed will be paid.

44. A Memorandum from the Acting Surveyor General dated 12th April 1865 inquiring whether he shall proceed to undertake any works in respect of roads was read.

The consideration of this question was postponed in the present condition of the Revenue.

Adjourned.

A. E. Kennedy

# Monday, the 8th day of May, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

45. A letter was read from the Crown Agents for the Colonies dated 16th February 1865 calling attention to a bill drawn upon them for £1000 at a time when a less balance was in their hands and stating that a remittance would be necessary

to meet an amount of £2000 payable in July and January for interest and sinking fund on account of the Vancouver Island Road and Harbour Loan.

A Despatch was also read from the Secretary of State for the Colonies No. 8 dated 23rd February 1865 with reference to the bill above referred to.

The Council were of opinion that a sum of £3000 should be remitted to the Crown Agents.

46. His Excellency the Governor with the concurrence of the Council accepted a Tender from John Morris to construct a road from Craigflower to Esquimalt for \$550 per lineal mile.

The Council also approved of a short road to connect the house occupied by Rear Admiral Denman, Commander in Chief, with this road being included in the work.

- 47. The Council approved of the public buildings at Victoria being insured with the London and Liverpool Fire insurance Company.
- 48. A letter was read from the Lighthouse Board dated April 6th 1865 suggesting that a quantity of stores of the estimated value of £500 should as a measure of economy be procured from England.

The Council were of opinion that one half of the quantities proposed should be sent for.

49. A letter was read from the Acting Attorney General dated 3rd April 1865 stating that the Crown is in ignorance of the sales of country lands effected by the Hudson's Bay Company.

The Council were of opinion that the consideration of the question should be postponed for the present.

- 50. A Despatch was read from the Secretary of State for the Colonies, Separate, dated 18th February 1865 in reference to a Vice Admiralty Court in the Colony and enclosing a Commission as Judge of the Vice Admiralty Court for the Chief Justice under the name of Daniel Cameron instead of David Cameron.
- 51. A letter was read from Mr. J. Robertson Stewart dated 5th May 1865 inquiring whether the Government would favour the establishment of a foreign Company to work coal &c. on lands pre-empted by him at Koskeemo Sound, and would give a perfect title to the lands.

The Council were of opinion that Mr. Stewart should be informed that with reference to an alien Company there being no precedent the Governor does not feel justified in giving any guarantee on the subject without reference to the Secretary of State for the Colonies.

Adjourned.

#### Saturday, the 13th day of May, 1865

- Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.
- 52. A letter was read from the Colonial Treasurer dated 11th May 1865 stating that the credit with the Bank of British North America had been overdrawn by the amount of \$2375.77.

The Council were of opinion that application should be made to the Bank for a further credit of \$20,000 pending a reference to the Legislative Assembly.

53. A Committee having been appointed by the Legislative Assembly to inquire into the management &c. of the dredging machine employed in the improvement of Victoria Harbour the Council were of opinion that the Acting Surveyor General should state in any evidence he might give to the Committee that the Dredger is altogether beyond the means of the Colony and calculated to bring the Colony into financial difficulties and that it would be desirable to postpone the improvement of Victoria Harbour.

Adjourned.

A. E. Kennedy

#### Monday, the 22nd day of May, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last two Meetings were read and confirmed.

54. A letter was read from the Assessor dated 18th May 1865 stating that the Boards of Revision of Real Estate Tax for the City of Victoria and for the District of Victoria were of opinion that it was necessary to employ a joint Secretary at a cost of \$100 per month and to hire a room at a cost of \$15 per month.

The Council were of opinion that the Governor has no authority to go beyond the amount voted for this branch of the service.

55. A letter was read from the Postmaster dated 18th May 1865 enclosing a letter from the Postmaster General of British Columbia stating that after the 18th instant letters posted at Victoria for the interior of British Columbia must be prepaid in full in Victoria.

The Council were of opinion that the Postmaster should be instructed to carry out the system for the present charging 20 cents per half ounce on letters for the interior of British Columbia and to apply to the Treasurer for the proper form of keeping the accounts.

56. A letter was read from Rear Admiral the Honourable J. Denman dated 19th May 1865 with reference to the British Ship "Maria" which being seizable

under the Imperial "Chinese Passengers Act 1855" had clandestinely left Esquimalt without either papers or clearance and gone to Washington Territory.

The Council were of opinion that application should be made to the Governor of Washington Territory for her detention.

- 57. The Council concurred in the Assent given by his Excellency the Governor to "A Bill respecting Common Schools."
- 58. A letter was read from the Acting Attorney General dated 15th May 1865 with reference to the following Bills passed by the Legislative Assembly and now before the Legislative Council:

A Bill to exempt the homestead and other property from forced seizure and sale in certain cases.

A Bill respecting weights and measures.

A Bill respecting the Registration of Births, Deaths and Marriages in Vancouver Island.

A Bill to amend the manner of taking the Verdict of a Jury in certain cases. as to which it was decided that it should be left to Members in Legislative Council to act according to their individual opinions and,

- 59. A Bill for securing liens to Mechanics and others as to which it was decided that Members should resist it in principle and in detail.
- 60. With reference to A Bill relating to Gold Mining it was agreed that Members in Legislative Council should agree to the Amendments of the Legislative Assembly except that relating to fees which should further be amended by striking out the Clause except that part appropriating the penalties.

Adjourned.

A. E. Kennedy

# Monday, the 29th day of May, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

61. With reference to the last Minute of the last Meeting, it being understood that the Legislative Assembly would refuse to assent to the further amendment of "A Bill relating to Gold Mining" as then agreed upon, it was agreed that the Legislative Council should seek a conference with the Assembly at which the Members of the Council should insist that neither the Council nor the Assembly have any authority to divert the mining fees from the Crown Revenue to the General Revenue and in the event of the Assembly refusing to accede to that proposition and allow the alteration of the clause proposed by the Legislative Council, that the Bill should be allowed to lapse.

62. A letter was read from the Acting Attorney General dated 27th May 1865 relative to the following Bills passed by the Legislative Assembly and now before the Legislative Council:

A Bill respecting the Descent of real Property, as to which it was agreed that it should be resisted by Members in Legislative Council.

A Bill to amend the Law as to imprisonment for debt, as to which it was agreed to amend the Bill in accordance with a similar law passed by the Legislature of British Columbia.

- 63. The Council were of opinion that the title deeds of the new Government House should be registered and the Deeds deposited in the Land Office.
- 64. A letter was read from Mr. Robert Weir to the Surveyor General dated 27th May 1865 offering to pay \$100 on his land at Metchosin and the balance on or before the 15th August next.

The Council were of opinion that the proposal might be acceded to.

65. The following Despatches from the Secretary of State for the Colonies were read:

No. 19, dated 21st March 1865 stating that the steps taken to protect the rights of the public in reference to encroachments at the Park at Victoria, were justified.

No. 14, dated 6th March 1865 confirming appointment of Mr. P. Hankin to be Superintendent of Police.

No. 15, dated 6th March 1865 calling attention to faulty preparation of Act to authorize the Harewood Railway Company to make a Railway &c.

No. 16 dated 7th March 1865 confirming the suspension of Mr. Richard Golledge from the acting appointment of Gold Commissioner.

No. 18 dated 16th March 1865 enclosing Order in Council approving certain Acts of the Legislature.

66. A Resolution of the Legislative Assembly dated 23rd May 1865 was read requesting the Governor to take steps to prevent the cutting up and fencing of the Church Reserve.

A proposed Message in reply declining to institute proceedings was read in the tenor of which the Council concurred.

67. A Resolution of the Legislative Assembly dated 22nd May 1865 was read requesting the revocation of the suspension of the Land Proclamation and the opening to settlement of the Indian Reserves.

His Excellency the Governor suggested that this question should be considered and reported upon by a Board consisting of the Acting Colonial Secretary, the Acting Attorney General and the Acting Surveyor General in which course the Council concurred.

68. A resolution of the Legislative Assembly dated 22nd May 1865 was read proposing that one half of one per cent should be levied on Real Estate in the City of Victoria to meet the liabilities of the City.

The Council were of opinion that the Acting Attorney General should draft a Bill to give effect to that Resolution.

69. A Resolution of the Legislative Assembly dated 17th May 1865 was read recommending the appointment of two Magistrates at Cowichan and two at Comox, unpaid and from among the settlers.

His Excellency the Governor proposed to state in reply that he was unable to find in those districts persons competent to hold such an office and that the result of appointing incompetent persons certainly would be difficulties with the Indians, in which proposed reply the Council concurred.

- 70. A Resolution from the Legislative Assembly dated 16th May 1865 suggesting the imposition of an income tax of one per cent upon all incomes above £150 per annum, was read and agreed to be referred to the Acting Attorney General to draft a Bill to carry out the suggestion.
- 71. A letter was read from the Fire Department of Victoria dated 25th April 1865 applying for a vote of \$3000 or \$4000 for the purchase of a new fire engine.

The Council were of opinion that the reply should be to the effect that there are no funds at the disposal of the Government for the purpose and that His Excellency does not feel justified in applying to the Legislative Assembly to provide such a considerable sum for an object which is purely local.

- 72. A Bill to amend an Act passed in 1862 intituled "An Act to amend the laws affecting Trades Licences" passed by the Legislative Assembly and now before the Legislative Council was considered, and it was agreed that it should be passed through the Legislative Council without delay.
- 73. A letter was read from Mr. G. M. Sproat dated 18th May 1865 relating to the lands of Messrs. Anderson and Co. at Alberni, and agreed to be referred to the Acting Surveyor General.

Adjourned.

A. E. Kennedy

## Monday, the 5th day of June, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 74. In reference to the exploration of the Island the Council were of opinion that a party should be organized and sent out.
- 75. A Resolution of the Legislative Assembly was read dated 2nd June 1865 requesting that a reasonable extension of time should be allowed to bonâ fide settlers for the payment of arrears of purchase money for lands.
- 76. A Resolution of the Legislative Assembly dated 2nd June 1865 was read reiterating a desire that Magistrates should be appointed from among the settlers in the Comox and Cowichan Districts.

The Council on a reconsideration of the matter were unable to suggest any persons either competent or of a status proper to fill the office.

77. A Resolution of the Legislative Assembly dated 31st May 1865 was read in reference to the amendment of the Pilot Act.

The Council were of opinion that the Acting Attorney General should be requested to draft a Bill for the purpose.

- 78. In reference to a Bill now before the Legislative Council to amend an Act passed in 1862 intituled "An Act to repeal and amend the laws affecting Trade Licences", it was agreed that in Legislative Council the monthly collection of auction duties should be supported, and that a clause should be added to the Bill to compel persons holding retail liquor licences to make returns and pay tax in respect of their dealings other than the retail sale of liquors.
- 79. A letter was read from the Acting Attorney General dated 3rd June 1865 with reference to a Bill to make better provision for the custody of the estates of deceased persons, which had passed the Legislative Assembly and was before the Legislative Council, as to which it was decided that Members should be left to the exercise of their individual opinions in the Legislative Council.
- 80. A letter was read from the Acting Attorney General dated 31st May 1865 stating the law with reference to the postal service in this Colony.

The Council recommended that the subject should be referred to the Secretary of State for the Colonies.

81. A letter was read from James Kelly, Michael Fitzpatrick, and John White dated 17th May 1865 applying to be allowed to occupy 100 acres of land each on the De Mamuel [De Mamiel] Creek near Sooke Harbour. A correspondence was also read dated September and October 1864 relative to the grant of permission to occupy this and other pieces of land along the trail to the North Forks to Messrs. Nagle, Foucault and others.

The Council were of opinion that Messrs. Nagle and Company should be informed that this land having been unoccupied from October 1864 till the end of May 1865 has been granted to J. Kelly, M. Fitzpatrick and J. White on condition of occupation and improvement and that if the remainder of the lands granted to Messrs. Nagle and Company continue unoccupied and not bonâ fide improved they will be dealt with in the same manner.

82. The following Bills passed by the Legislative Assembly and now before the Legislative Council were considered.

A Bill to amend the Victoria Harbour Dues Act 1862 and a Bill to impose landing permit dues on the importation of certain stock and carcasses.

It was agreed that the various dues imposed by these Bills should be supported by Members in Legislative Council.

Adjourned.

### Friday, the 9th day of June, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

83. The Report of a Board dated 30th March 1865 pointing out defects in the tug built for the improvement works of Victoria Harbour was read.

The Council were of opinion that the matter should be referred to the Master Carpenter of H. M. S. "Sutlej" for an estimate of the cost of making good the defects with a view to the reduction of the balance claimed by Mr. Ewing the Contractor, and that pending the decision of the matter a payment of \$1500 dollars on account should be made to Mr. Ewing.

84. The question of the Government discontinuing the works for the improvement of Victoria Harbour and letting out a portion of the works to contract, proposed by the Legislative Assembly was considered.

The Council were of opinion that the tug and dredging vessels should be disposed of and the whole affair put an end to.

85. A letter was read from the Chief Justice dated 18th May 1865 recommending Mr. D. Lindsay and Mr. R. H. Adamson for the appointment of Official Assignees in the room of Mr. W. Culverwell, absconded.

The Council were of opinion that the gentlemen recommended should be appointed temporarily and subject to the opinion of the successor of the Chief Justice.

86. A letter was read from Mr. John Buttle dated 7th June 1865 suggesting details of a proposed exploring expedition.

The Council agreed to the expediency of sending out such an expedition.

87. A letter was read from Mr. C. A. Bayley dated 9th June 1865 applying on behalf of W. Thompson and others for time to ascertain the value of a coal seam discovered by them at Maple Point.

The Council were of opinion that the application might be recorded for three months to enable the parties to define accurately the limits of the land they may wish to take up if they should decide upon so doing.

88. A letter was read from Messrs. Hutchinson and Co. dated 9th June 1865 in reference to their meat contracts with the Navy and the local Government pointing out the hardship they will be under by the imposition of an import duty on stock.

The Council were of opinion that the matter was beyond the control of the Governor.

89. A letter was read from the Acting Attorney General dated 3rd June 1865 enclosing a draft Bill imposing a tax of one per cent on salaries or wages.

It was agreed that the Bill should be forwarded to the Legislative Assembly.

90. A letter was read from the Acting Attorney General dated 8th June 1865 enclosing a draft Bill to amend the Victoria Pilot Act 1864.

It was agreed that the Bill should be forwarded to the Legislative Assembly.

91. A Resolution of the Legislative Assembly was read dated 7th June 1865 proposing that the fees for Marriage Licences should be paid into the General Revenue.

The Council were of opinion that a reply should be sent to the Assembly stating that fees from this source are Crown Revenue, and that the subject is at present under the consideration of the Secretary of State.

92. A letter was read from the Acting Attorney General dated 3rd June 1865 with reference to a Bill to amend the law relating to the representation of Vancouver Island.

It was agreed that the Bill should be if possible rejected by the Legislative Council.

93. His Excellency the Governor with the concurrence of the Council assented to "A Bill for obtaining a Declaration of Title" passed by the Legislature.

Adjourned.

A. E. Kennedy

## Monday, the 19th day of June, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

- 94. A Bill to impose a Tax of one half of one per centum upon all real Estate within the City of Victoria and for other purposes relating thereto was considered.

  It was agreed that the Bill should be passed through the Legislative Council without delay.
- 95. A Bill to apply the sum of \$14940 out of the general revenue of the Colony of Vancouver Island and its Dependencies for the service of the year 1865 was considered. It was agreed that the Bill should be passed through the Legislative Council without delay.
- 96. A Resolution of the Legislative Assembly dated 7th June 1865 requesting that the Coroner may be ordered to make a Return of Inquests &c. was read.

The following letters were also read:

From the Attorney General dated 8th July 1864 relative to the office of Coroner in the Colony.

From Dr. Dickson dated 5th September 1864 submitting for approval the appointment of Dr. Ash as Deputy Coroner.

From the Acting Attorney General dated 10th September 1864 relative to the office of Coroner.

A Draft Message in reply to the Resolution of the Assembly was also read in which the Council concurred.

Adjourned.

A. E. Kennedy

## Tuesday, the 27th day of June, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read and confirmed.

97. A summons to the Acting Attorney General was read dated 26th June 1865 requesting his attendance on a Committee of the Legislative Assembly in reference to the office of Coroner.

A like summons to the Colonial Treasurer was also read.

The Council were of opinion that the gentlemen summoned should reply to the effect that they cannot attend without first obtaining the consent of His Excellency the Governor and of the Legislative Council of which they are Members.

Adjourned.

A. E. Kennedy

# Tuesday, the 18th day of July, 1865

Present: His Excellency The Governor, The Colonial Secretary William A. G. Young, The Attorney General, Thomas L. Wood Acting, The Treasurer Alexander Watson, The Surveyor General Benjamin W. Pearse Acting.

Minutes of last meeting read & confirmed.

- 1. The oath prescribed for Members of the Executive Council administered by His Excellency The Governor to Mr. William Alexander George Young Colonial Secretary.
- 2. The following Despatches were read.

No. 22 of 17 April 1865 with Enclosures upon subject of information as to land Sales by Hudson's Bay Co.

No. 24 of 26 April 1865 with Enclosures from Mr. Dallas and Mr. Murdock upon subject of encroachments upon Public Park, and Indenture of Agreement between Her Majesty's Government and the Hudson's Bay Co.

With respect to the first it was agreed that action thereupon should be deferred until a reply is received from the Secretary of State to further information upon the subject furnished by His Excellency, but that the attention of the Agents of Hudsons Bay Co. should be called to letter of [blank] and that information as to sales of lots since 1859 should be furnished.

With respect to the second it was settled that action should be deferred for the reason before stated.

- 3. His Excellency explained the present proceedings of exploring party upon West Coast; and proposed that the party should be employed for about another month in exploring the waters falling into Nootka sound, which was agreed to. Surveyor General to send one months provisions & a small portion of money.
- 4. His Excellency brought before the Council the present financial condition of the Colony, and explained how he considered expenditure for the year might be curtailed: and suggested that a Board should be appointed consisting of the Colonial Secretary, The Treasurer, The Auditor, and The Assessor to investigate and report upon the Colonial finances. Council concurred with His Excellency. A letter bearing upon this subject from the Treasurer dated 17 July read in Council.
- 5. His Excellency read to the Council a Message which he had sent to the Legislative Assembly on the 29th June, asking for the views of the Assembly in respect to Harbor Improvements, and as to disposal of Engineers already engaged for a term and of the Tug Boat which is represented to be unfit for the purpose for which she was intended. To this Message no answer was received up to the time the House was prorogued viz. 7th July. His Excellency therefore asked for the opinion of the Council in the matter. The subject generally discussed, as also the incomplete state of the Vessel as left by the Contractor, as evinced by a letter dated 12 July 1865, which was read, from the Master in charge complaining of the Bilges being choked with chips & dirt, and by a letter dated 5th July 1865, from the Carpenter of H. M. Ship Sutlej representing that he considers the Vessel unseaworthy unless works to the extent of some seven hundred dollars be undertaken. Agreed that Contractor should be notified to make good deficiencies, and the question as to disposal of Vessel deferred until she be so completed.
- 6. His Excellency brought before The Council the matter of the constitution of the Mining Board at Leech River, & his proposition that they should be allowed to frame Rules and regulations for the guidance of the mining community subject to the approval of The Governor. Letter of Gold Commissioner at Sooke dated 1 July 1865, and an application from Mining Board, not dated, read. Council concurred in proposition of His Excellency.
- 7. Application dated 10 July 1865 from Mr. Colquhoun late Superintendent of Dredger, soliciting a months pay in consideration of his summary discharge from employment read. His Excellency proposed that as Mr. Colquhoun was discharged on the 15th of the Month at 2 days notice, that he should be paid his Salary up to the end of the Month, which was concurred in.

- 8. A letter dated 12th July 1865 read, from the Acting Town Clerk to the Colonial Secretary asking for an opinion of the Attorney General upon the validity of the Incorporation Act of 1862: together with a Minute thereon from the Attorney General declining to state any opinion sought in such multifarious terms. Council concurred in this view, and it was agreed that a reply should be given to the effect that upon any definite point the Attorney General would be glad to afford his opinion for the benefit of the Municipal Council.
- 9. Letter dated 24 June 1865 from Mr. E. G. Alston Registrar General read, asking for 12 months leave of absence on account of recent family bereavement. Council concurred in propriety of leave being granted; and it was further settled that the gentleman selected to perform the functions of Mr. Alston's office during his absence should give Bonds himself in £500, and two Sureties in £250 each.
- 10. His Excellency brought before the Council various vouchers purporting to be charges for various services performed in connection with inquests, and certified to by "James Dickson Coroner". The matter was discussed and the irregularity of the manner in which they were presented commented upon; and it was settled that a letter should be addressed by the Colonial Secretary to Dr. Dickson calling his attention to the irregularity, & requesting that he will conform to the established rules of the Colony in respect of accounts: and also calling his attention to the depositions in cases of inquests not having been rendered of late.
- 11. Letter dated 5 July 1865 read from Mr. Bryant asking for Salary from January to May for services as Port Master at Nanaimo. Application acceded to.
- 12. Letter dated 22 June 1865 read from Alfred Waddington, Superintendent of the Board of Education relative to the School Reserves in the Colony. Decided that this subject should be brought forward at a future day, further information being sought upon it, and further information acquired in the mean time.

The Council then adjourned.

A. E. Kennedy

# Monday, the 7th day of August, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of last Meeting read & confirmed.

- 1. Read a Report dated 4th August 1865 from Board appointed by His Excellency to investigate the financial condition of the Colony. Report adopted and opinion as to providing funds required to meet expenditure concurred in.
- 2. His Excellency brought to the notice of Council the question of the Issue of Postage Stamps which had been prepared for the Colony. Council considered it very desirable that such Stamps should be issued & used as much as practi-

cable, and that facilities should be afforded for the purchase thereof at other places than at the post office.

3. Read a report dated 27 July 1865 from Mr. Hankin Supt. of Police, of his proceedings in communicating with the Exploring party now at Nootka Sound.

Read a report dated 26 July 1865 from John Buttle, Commanding Exploring Expedition.

Expediency of continuing further explorations considered, and Council came to opinion that the party should be supplied with provisions to carry them on to 1st October proximo.

- 4. Report from Treasurer dated 27 July 1865, enclosing List of Defaulters under Real Estate Tax Act, Council came to opinion that the List should be placed in hands of Assessor for collection prior to being handed over to Sheriff.
- 5. A letter from Mr. R. Ker, dated 20 June 1865, asking for remuneration for auditing Accounts of Crown Revenue. Council decided that claim could not be entertained.
- 6. His Excellency proposed to Council propriety of Insuring the Government Buildings and Letters were read from Messrs. Henderson & Burnaby, Messrs. Siffken, & Mr. J. R. Stewart proposing rates at which they would effect the Insurance. Council agreed that Insurance should be effected at most reasonable rate, which that of Messrs. Siffken appeared to be.
- 7. Letter read from Mr. Wootton, Harbour Master, dated 4th July 1865, asking for instructions in respect to levying dues upon Cattle imported from San Juan. Discussion thereupon, and peculiar present position of the Island of San Juan considered. Decided that dues should be collected, it not being apprehended that any question of sovereignty would thereby be affected.
- 8. Letter of 22 June 1865 from Mr. Waddington, Supt. of Education again read and considered. Decided that Mr. Waddington should be informed that the Govt. at the present time had no power to convey lands, and as for other school property, it was apprehended that such property was already vested in the Board under the Act.
- 9. Letter dated 19th July 1865 read from Mr. G. E. Dennes, asking permission to introduce a money Bill, for more speedy recovery of small debts. Irregularity and inconvenience of this form of application in such matters freely commented upon. Decided that Mr. Dennes should be informed that the Government propose introducing measures to this effect.
- 10. His Excellency brought before Council the propriety of Bills to provide for the following measures, being prepared by the Attorney General:

Native Evidence.

Weights & Measures.

Postal Service.

Gold Mining.

Registration of Births Deaths & Marriages.

Intestate Estate.

Abolition of Imprisonment for Debt.

Jurisdiction to Stipendiary Magistrates, small debts.

Homestead exemption from liability.

Coroners to legalize appointment & define duties of.

The Council concurred with His Excellency, & decided that the Attorney General should be notified accordingly.

- 11. Letters dated 24 July and 1 August 1865 read from Dr. Dickson, Coroner, relative to irregularity in presenting accounts & non transmission of Depositions. Ignorance pleaded in the one case, & a compliance with the Law in the other. Resolved that the Coroner be asked to produce the Authority under which he applies the English Law to this Colony.
- 12. Letter from Mr. Pemberton, Stipendiary Magistrate read dated 1 August 1865, upon the subject of the disallowance of a newspaper to his office. Resolved that outstanding account be paid, but the expense to be discontinued for the future.

The Council then adjourned.

A. E. Kennedy

### Saturday, the 12th day of August, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting read & confirmed.

1. His Excellency brought before Council the fact that on Thursday the 10th Instant he had met Mr. Wootton, the Harbour Master and Post Master in a public thoroughfare viz. Fort Street, in a state of most disgraceful drunkenness, and that in consequence he had placed the charge of the Departments presided over by Mr. Wootton in charge of the next Senior Officer of the Post Office. Letters read from Colonial Secretary to Mr. Wootton dated 11 August and Mr. Wootton's reply of 12th August & His Excellency proposed that Mr. Wootton should be suspended from the emoluments of his office.

Resolved That Mr. Wootton should be notified to appear before the Executive Council on Monday the 14th Instant at 11 OClock to defend himself from the charge of drunkenness brought against him, should he so desire it.

- 2. His Excellency then stated to Council with reference to collection of Arrears of half per cent Tax that the Assessor was too much engaged to be employed in Collection of Tax, and His Excellency therefore proposed that a special Collector should be employed and paid by a Bonus of 5 per Cent on sums collected. The Council concurred therein.
- 3. His Excellency placed before Council a letter from the Acting Surveyor General dated 10th August forwarding copy of letter addressed to Mr. Ewing the Contractor for the "Sir James Douglas" together with his reply thereto, dated

respectively 8th and 9th August 1865, by which it appeared that Mr. Ewing would not complete the work required on "Sir James Douglas".

Resolved That the Govt. should at once call for Tenders & complete the work, and that the cost thereof should be deducted from the balance due Mr. Ewing, and that the Surveyor General should notify Mr. Ewing to this effect.

- 4. His Excellency brought before Council the report of Mr. Buttle dated 7th August, communicating the discovery of gold on Bear River, and His Excellency proposed that in view of a huge number of persons being about to proceed thither that an Officer should be sent to accompany them with Magisterial powers, and powers to collect Mining Licences in which the Council concurred, and that each Officer should be paid a Salary not less than at the rate of Fifteen hundred dollars a year.
- 5. His Excellency brought before Council the case of Edmund Dillon a prisoner in Victoria Jail, & read a letter dated 10th August 1865, from the Supt. of police, with a Medical Certificate, representing that he was a "Monomaniac", & that if he were liberated change of air and scene would probably restore him to health. Council came to the opinion that he should be permitted to leave the Colony.
- 6. His Excellency placed before Council an Estimate of School Expenditure for the year ending 31 Dec. 1865, submitted to him by the Board of Education, under which the whole sum voted would be required. The Colonial Secretary stated that he had been present at an Interview the Board had with His Excellency and from the statements then made he believed the expenditure to be very necessary and was of opinion it should be sanctioned. Council concurred in this opinion.

The Council then adjourned until Monday the 14th Instant at 11 A. M.

A. E. Kennedy

# Monday, the 14th day of August, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. Mr. Wootton, Harbour Master & Post Master called in, and informed by His Excellency that he had been sent for with reference to the charge of drunkenness brought against him. His Excellency read The Colonial Secretary's letter dated 11th August and Mr. Woottons reply of the 12th August, and informed Mr. Wootton that he was at liberty to ask any question of His Excellency. Mr. Wootton stated that he had no question to ask. His Excellency then put the following questions to Mr. Wootton.

At what hour did you leave the Post Office? At about half past 3.

At what hour did you take the prescription alluded to in your letter?

At about 4 O'Clock.

Do you know its nature?

A narcotic to relieve pain, & apparently made of camphor & ether.

Was it the first prescription of this character Dr. Trimble had given you? I think not.

Mr. Wootton then stated that he had no recollection of seeing His Excellency, and had no knowledge that the person who was taking him home wished to take him in an opposite direction.

By the Colonial Secretary

Had you nothing but a glass of Sherry during the whole day?

I do not remember taking more than one glass, which glass was an ordinary bar glass.

Mr. Wootton stated that he wished to call Dr. Trimble to speak as to the nature of the prescription he had given him.

Dr. Trimble called and appeared when His Excellency stated the nature of the charge against Mr. Wootton & asked

What was the nature of the prescription you gave Mr. Wootton?

It was composed of Morphine, Hyoscyamus and Camphor water.

Would that mixture if taken at 4 O'Clock render him in a state of insensibility at ½ past 4, and unable to walk?

I believe it would perfectly stupify him. If it does not stupify it will act as a stimulant.

Would the medicine produce effects resembling drunkenness?

In narcotic medicines, generally, if the dose is not sufficiently strong to produce sleep, it will act on the brain as a stimulant.

Do you think those effects would be produced in a quarter of an hour?

I think so. A grain is a very large dose equal to 4 grains of solid opium.

Would you think it a natural effect of the dose to render Mr. Wootton perfectly unconscious from a quarter past 4 until ½ past 8?

I believe it would.

Would the Medicine you describe Mr. Wootton to have taken render him violent & inclined to resist any person leading him in the street?

It depends upon the way it acts upon the brain. If as a stimulant it would make the person violent and finally he would become composed in sleep.

Would the medicine deprive him of the powers of locomotion within 15 minutes?

I think it might.

What was the disease for which you prescribed?

Neuraljia.

By the Attorney General

Had you given Mr. Wootton any caution in respect of the prescription? No. I thought he was going home to his Bed.

What is his general health?

Tolerably good but he is troubled with neuraljic pains.

What would be the effect of more stimulus on the opium?

Brandy would probably arouse him from the stupor: but Sherry I do not think would have much effect one way or the other.

Is there any particular condition of the Stomach affecting the taking of such Medicine?

If the Stomach is empty it acts much more quickly.

Dr. Trimble then withdrew.

Mr. Maclaren called and appeared.

By His Excellency.

Are you employed in Messrs. Langley's store?

Yes. I dispense Medicines.

Did you see Mr. Wootton take any Medicine at your Premises on Thursday last the 10th Inst.

Yes. I made up for him this prescription.

Prescription handed in.

[?] Sulp.  $gr \dot{1}$ Ipt. Ether Cu. ziTr. Hyosc ziAqua Camph. ziM. ft haust

Wootten JT.

At what hour did Mr. Wootton take that Medicine?

Between 4 & 5, but I cannot be positive.

Did he leave the premises immediately afterwards?

Yes, within five minutes or thereabouts.

Do you know the nature of that prescription and the effects it would be likely to produce?

It is uncertain in its effects. Some men could take that dose with impunity—others it would affect very considerably. From the ½ of a grain to a quarter is an ordinary dose for morphine.

From your knowledge of the medicine given, would you think it an ordinary effect, for Mr. Wootton to be incapable of walking from your House to his Home?

I think so, inasmuch as I would not give such a dose upon my own responsibility.

In short, if I had found Mr. Wootton lying in the Street after taking this Medicine you would not have been surprised at it?

I might be surprised at it: at the same time I would not think it impossible.

Within what space of time would the Medicine take effect?

Within a quarter of an hour, probably ten minutes.

Would you expect a person under the influence of this Medicine to offer violent resistance to anyone taking him home?

I cannot say. It depends upon the manner in which the Medicine would affect the temperament of the party.

Do you know whether Mr. Wootton is in the habit of taking opium?

No. It is the first he has ever taken in our Store.

By Attorney General

What would be the effect of Hyoscyamus and Ether?

The Hyoscyamus is a sedative; the Ether slightly stimulating.

By Colonial Secretary

Does Ether produce similar effects to Chloroform?

It does if taken in sufficient quantity; but there is not sufficient quantity by itself in the prescription.

By the Treasurer

Did Mr. Wootton appear to be sober when he entered your shop & before taking the dose?

To all appearance he was.

The Witness then withdrew.

Mr. Thomas, proprietor of Bee Hive Hotel called in, & His Excellency explained to Mr. Thomas that Mr. Wootton had called upon him in reference to a charge of drunkenness & asked

Did Mr. Wootton take a glass of Sherry at your House?

He did. I saw Mr. Wootton looking pale and ill. I asked him what was the matter, and told him to come in and sit down. I offered him a glass of brandy which he refused but he took a glass of sherry. He was offered another but would not take but the one.

At what O'Clock was this?

From a quarter to ½ past 4.

Can you tell me which was the shortest way home for Mr. Wootton?

I presume either by Fort or Kane St.

Going by Broad Street & Yates Street is a greater distance?

Yes.

Are there any public Houses between the Bee Hive and Mr. Wootton's residence going by this latter route?

Yes. Three, the International the Bulls Head and Bonds.

All that you can say then is that Mr. Wootton came to your House complaining of illness and took but one glass of Sherry?

Yes. I offered him more but he refused.

Was Mr. Wootton able to walk when at your House?

He was able to walk but he seemed nervous and stupid.

Was he in a state of insensibility at that time?

No. He was quite capable of distinguishing persons.

The Witness then withdrew.

Mr. Yardley, Assistant in Post Office then called in & questioned.

By His Excellency

Did you leave the post office with Mr. Wootton on Thursday last?

Where did you see Mr. Wootton about 4 O'Clock or thereabouts?

At the corner of View & Douglas Streets.

At what Hour?

Near half past 4.

What state was he in?

I did not know what to make of him. He seemed very ill. He was sitting down, & was not able to walk without assistance.

Did you then convey him home?

I assisted him home as well as I could.

Were you in Company with him at the Bee Hive?

No. I did not leave the office till ½ past 4 or thereabouts.

Do you remember meeting me on that day?

I do, at the junction of Fort St. with Quadra Street.

The direction you were coming from, is that the nearest way for Mr. Wootton to reach his home?

It is not. Fort Street is the nearest way.

Were you conveying Mr. Wootton home when you met me?

I was.

Why did you turn down Fort Street?

I found he was getting too bad to stand up, & I wanted to rest him for a few minutes.

In point of fact you turned in the opposite direction from Mr. Wootton's house?

I turned round the Corner a few yards to keep him up.

Are you employed in the Post Office?

I am.

Are you connected with Mr. Wootton?

He is my brother in law-

By Colonial Secretary

What did you think of Mr. Woottons state when you saw him?

I could not understand his condition. I did not consider him drunk. He went willingly with me.

Was not your object in turning down Fort Street to avoid meeting His Excellency?

Certainly not.

What was your object then in turning a few yards down Fort Street?

To obtain support. I think we had passed the Corner.

By His Excellency

Did you turn down the Street exactly at the point where you met me?

I did.

Having turned down the Street when you passed, both you and Mr. Wootton turned your backs to me?

I believe so, for our backs were towards the middle of the Street.

When you turned down Fort St. was that your nearest way home?

No.

Was it in the direction of Mr. Wootton's House?

No.

By Mr. Wootton

Is not the door in Fort Street, of the Corner shop at the junction of Fort & Ouadra Street?

I believe the door is in Fort Street on the South side.

When you were trying to get me round what was your object?

It was so as to rest you.

By Colonial Secretary

Did you cross from the south side to the Northside of the Street at any time after or before you saw His Excellency?

Certainly not. We never left the sidewalk on the Northside.

The Witness then withdrew.

Mr. Sparrow called in & His Excellency informed him that he had been sent for by the Council in reference to a charge of drunkenness against Mr. Wootton, and asked

Do you know anything of this matter?

Nothing.

At what hour on Thursday the 10th Instant did Mr. Wootton leave the office?

After 3. I cannot place it nearer than that.

Was Mr. Wootton quite sober then?

He was.

Did you see him at any later period the same day?

I did not.

By Colonial Secretary

Did Mr. Wootton appear in his usual health on that day?

He did not. He complained of being unwell and mentioned that he wished to see the Dr.

By His Excellency

Did he state that he had seen the Doctor on that day?

No. I cannot remember that he said he had seen him, but he said he wished to see him, and went out during the day for that purpose as he stated. He also made the remark that he had not eaten anything that day, and he went out about 2 o'Clock for Luncheon.

What description of illness did he complain of?

He said his stomach was out of order.

The Witness then withdrew.

His Excellency then informed Mr. Wootton he was at liberty to add any further statement that he might desire.

Mr. Wootton observed that he wished to say in respect to using View Street that no doubt he adopted that Street to escape observation feeling unwell.

By His Excellency.

How do you reconcile that with yr. statement that you have no recollection of anything that took place from the time you took the Sherry until ½ past 8?

I have no recollection after I took the Sherry until I woke on my own Sofa at  $\frac{1}{2}$  past 8. I say "no doubt" feeling unwell I took View Street, but I have no recollection of so doing.

Mr. Wootton then withdrew, not desiring to state anything further, and no Member of the Council desiring to question him further.

The Council deliberated upon the whole case, and the following resolution was proposed by the Colonial Secretary and put by The Governor.

That Mr. Wootton was incapable of taking care of himself in a public thoroughfare at about half past 4 o'Clock on Thursday the 10th August requiring the assistance of a person to carry him home; but that in the opinion of this Council, on the Evidence as disclosed, there is reason to believe that Mr. Wootton was labouring under the effects of a narcotic prescribed for him by a Medical man to relieve pain, and which he improperly took at a Druggists shop instead of at his own Residence.

Ayes:

Noes:

The Colonial Secretary,

The Governor,

The Acting Attorney General,

The Acting Surveyor General.

The Treasurer.

and so it passed in the affirmative, His Excellency recording his dissent in the following minute.

I regret being obliged to dissent from this opinion having no doubt from my personal observation that Mr. Wootton was drunk in the ordinary acceptance of the term. His manner—appearance—power of resistance to the person carrying him home, His endeavor to avoid meeting me on the occasion of alleged drunkenness, turning in the opposite direction to that leading to his home—all confirm me in this belief.

The statement of Dr. Trimble if based upon sound medical grounds is calculated to throw doubt on the cause of Mr. Woottons incapacity to walk alone or stand upright.

His Excellency then proposed that Mr. Wootton should be suspended from Office pending the reference of the matter to the Secretary of State.

Ayes:

Noes:

The Colonial Secretary,
The Acting Attorney General,
The Treasurer,
The Acting Surveyor General.

and so it passed in the negative.

- 2. His Excellency brought before Council the bad condition of the West Saanich Road, and proposed that as the financial condition of the Colony would not admit of the expenditure of the ten thousand Dollars in the Estimates, that two thousand Dollars should be expended to make the road passable, and that the Surveyor General should communicate with the property owners interested to obtain their aid so as to make the money go as far as possible: in all of which the Council fully concurred.
- 3. The financial condition of the Fire Department and Hospital at Victoria was then brought to the notice of the Council, and a Memorandum dated 9th August from the Colonial Secretary on the subject read. Proposed that each

institution should be paid at once one thousand dollars from the moneys voted in aid, and remainder of aid when funds were available in which the Council agreed.

The Council then adjourned.

A. E. Kennedy

# Monday, the 21st day of August, 1865

Present: His Excellency The Governor, The Colonial Secty., The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- Collection of one half of one per Cent Tax. Letter dated 21st Instant read from Mr. W. J. Macdonald, reporting want of success in collecting Tax: some parties positively refusing, others pleading inability. Resolved unanimously that List should be at once placed in hands of Sheriff with instructions to proceed to levy the same by distress or otherwise according to the terms of the Act.
- 2. Arrears of Liquor Licences. Letters (with Lists) from Treasurer, dated respectively 25 May & 3 Augt. 1865 placed before Council. Resolved that Supt. of Police summon Defaulters & report the result.
- 3. Selling Whiskey to Indians. His Excellency brought the subject before Council, and the fact of 16 persons being now confined in Jail at the public expense, and adverted to the state of the Law in the case. Council resolved that measures should be taken for the Law to be amended, to the extent of Corporal punishment being awarded for second offences, and to the interpretation of the third clause of the present Act of 1860.
- 4. Calendar of Prisoners Tried at Assizes of July 1865, placed before Council, and letter dated 17th August from Chief Justice read. Case of Edward Allen, discussed, and recommendation of Chief Justice that he should be discharged, not being in his opinion legally convicted, concurred in.
- 5. West Saanich Road. Letter dated 18th August 1865 read from Acting Surveyor General reporting result of his examination of work required to be done to make the road passable. Resolved that work should be undertaken by Surveyor General as proposed by him in his letter.
- 6. Printing Government Gazette. Letter dated 18th Augt. 1865 read from W. L. Mitchell, representing the loss he is sustaining in printing Government Gazette. Resolved that printer should be paid actual cost of his work for remainder of the term.
- 7. Road from Gold Stream to Shawnigan. His Excellency proposed that a reward of One Hundred Dollars should be offered for the discovery of a better route than those now existing between Gold Stream and Cowichan, to be taken by way of Saywards hill at Shawnigan—in which the Council concurred.

The Council then adjourned.

#### Tuesday, the 12th day of September, 1865

Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read and confirmed.

1. Despatches from Secty. of State. His Excellency laid before the Council and caused to be read the following Despatches.

No. 26 of 23 May 1865

28 1 June ,,
30 9 June ,,
Confidential 9 June ,,
Circular 19 May ,,
,, 23 May ,,
,, 3 June ,,
10 June ,,

- Sale of Whiskey to Indians on West Coast. His Excellency brought to notice of Council a recent case, and read Letters from Supt. of Police dated 29 August, and 8th September. Discussion thereupon. Action deferred.
- 3. Case of William Quarles, a Prisoner in Victoria Gaol. Memorial from many persons praying for his pardon and release from Gaol. Resolved that it be referred to Chief Justice for remarks.
- 4. Stock & Carcass Act 1865. Landing a Horse without a permit. Case of Messrs. Reinhart & Burnaby. Letter from Harbor Master read dated 23 August 1865 respecting this case, together with remarks thereon by Attorney General. Matter discussed, and resolved that the Harbor Master should be instructed not to take further steps in present case, but in future cases to prevent the landing of animals until the duty is paid.
- 5. Gatherings of Indian prostitutes in certain parts of the City of Victoria. Letter dated 25 August 1865 upon this subject from Supt. of Police read to the Council. Resolved that Supt. of Police should be instructed to use all means at his disposal to abate this nuisance and to summon the owners of disorderly or disreputable Houses.
- 6. Victoria Fire Department. Report of Chief Engineer dated 31 August 1865 for year ending July last read to the Council. Discussion thereupon ensued, and it was resolved that assistance should be given to the extent of the money voted by the Legislature for the current year viz. \$3000.
- 7. Case of Dr. Dickson Coroner. Letter dated 22 August 1865 read from Dr. Dickson, in which he refers to the law of England as that under which he acts, and declines to part with Documents pertaining to his Office. Resolved that Dr. Dickson be informed that he derives his power from the Governor of the Colony, & that he is subject to that power.

The Council then adjourned.

### Thursday, the 21st day of September, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of previous Meeting read & confirmed.

- 1. His Excellency stated to the Council that he had summond the Council to consider the propriety of further proroguing the Legislature for a Month or some even longer period. Discussion upon the matter. Resolved that Legislature be further prorogued until Thursday the 2nd November proximo.
- 2. His Excellency placed before Council, and caused to be read a letter from the Acting Attorney General dated 19th September, with enclosed correspondence, and forwarding Account of the Sales of Land by the Hudsons Bay Co.
- 3. His Excellency again brought before Council the matter of Whiskey Selling to Indians. Discussion thereupon and Council resolved that instructions should issue to Attorney General to procure a Bill amending and enlarging existing Law upon this subject.
- 4. Arrest and Imprisonment for Debt. His Excellency presented to Council and caused to be read Draft of a Bill prepared by Attorney General. Resolved that general principle of Bill is agreed upon, & that it should be introduced into the Legislature upon the first opportunity by the Attorney General.

The Council then adjourned.

A. E. Kennedy

# Wednesday, the 11th day of October, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of previous Meeting read & confirmed.

- 1. His Excellency laid before Council a letter dated 11th October 1865, from Mr. David Cameron tendering the Resignation of the office of Chief Justice of Vancouver's Island. Resignation accepted.
- 2. Mr. Joseph Needham was then introduced to the Council, and presented by His Excellency with the Letters Patent appointing him to the Office of Chief Justice of the Colony of Vancouver Island and its Dependencies, after which the Oath of Allegiance and Oath of Office were administered to him by His Excellency and taken in the presence of the Council.
- 3. Marriage Licence Fees. Despatch from Secty. of State dated 22nd July 1865 No. 34, read to Council, by which these Fees are to be carried to account of Crown Revenue.
- 4. His Excellency laid before Council and caused to be read Circular Despatch from Secretary of State dated 26th July 1865 together with two Imperial Acts

- inclosed therein entitled "An Act to remove Doubts as to the Validity of Colonial Laws," and "An Act to remove Doubts respecting the validity of certain Marriages contracted in Her Majesty's Possessions abroad."
- 5. Mr. Ewings claim for balance due upon his Contract for building Tug Steamer Sir James Douglas. Letters from Surveyor General to Mr. Ewing dated 11 Sept. 1865, and from Mr. Ewing to Mr. Pearse dated 12 Sep. 1865, and from Mr. Ewing to Col. Secretary dated 10 October 1865. Matter fully and carefully discussed and Memorandum dated 2nd Oct. 1865 of Colonial Secretary read. Resolved that a settlement be offered to Mr. Ewing upon the basis of Colonial Secretary's Memorandum, which exhibits a balance in Mr. Ewings favor of \$1526.50.
- 6. Board of Education, Letter dated 29 September 1865 from Superintendent of Education representing want of funds in proceeding with construction of School House at Nanaimo, and asking for a further appropriation of \$1500 to enable the work to be carried out. Resolved that in view of the importance of the undertaking that the application be complied with.
- 7. Prospecting at Soke. Letter dated 19 September 1865 read from Acting Gold Commissioner representing the work in which a Miner named Williamson has been employed since May last, and asking for some pencuiary assistance for him. Resolved that a sum of Two Hundred Dollars be paid to Williamson to enable him to continue his prospecting.
- 8. Allowance for Lodging & Fuel to Police Sergeant at Nanaimo. Question brought before Council, & resolved that fifteen dollars a month should be granted as compensation for Lodging & Fuel.

The Council then adjourned.

A. E. Kennedy

# Monday, the 23rd day of October, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read & confirmed.

- Further prorogation of Legislature. In consequence of no answer to Despatches respecting Lands, Union &c. having been received. His Excellency proposed that the Legislature should be still further prorogued to the 16 November proximo in which the Council agreed.
- 2. Moneys voted by Legislature in aid of Royal Victoria Hospital. Letter read from Treasurer of the Institution asking for the payment of \$2500 on account of this vote, the creditors of the Hospital being in great need of money. Council agreed that the money must of necessity be paid.

The Council then adjourned.

### Tuesday, the 7th day of November, 1865

Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Acting Surveyor General.

Minutes of the last Meeting read and confirmed.

- 1. Despatch from Secretary of State read dated 18th August 1865 respecting initiation of money votes by The Governor of a Colony.
- 2. Land at Comox with indication of Coal. Letter dated 1st Novr. read from Mr. H. F. Heisterman making application on behalf of himself and others for certain land at Comox to be reserved to enable them to develope the Coal thereon. Subject discussed generally, and agreed that a licence should be granted under rules laid down in Gazette Notice of June 1864.
- 3. Land at Port McNeill with indications of Coal. Letter read dated 13th October 1865 from Mr. J. B. Zimmerman applying on behalf of himself and others for certain land at Port McNeill to be reserved to enable them to work certain Coal thereon, and referring to former applications dated 8th March 1864, 6th May 1864, 29th October 1864. Resolved that this application should be dealt with in same manner as preceding.
- 4. Church of England Chaplain to Gaol at Victoria. Letter dated 6 Novr. 1865 read from Bishop of Columbia representing that the Revd. C. T. Woods should be formally authorized to visit the Gaol at Victoria as he is in the habit of performing Divine Service there but without authorization. Resolved that the Revd. C. T. Woods be appointed Church of England Chaplain to the Gaol at Victoria without Salary.
- 5. Petition from Inhabitants at Comox. This Petition read requesting appointment of a Magistrate to preserve the peace and protect the property of Her Majesty's Subjects in the District. Matter fully discussed, and Resolved that as there is no provision made for payment of a Magistrate, and no person in the District who is considered fit to be appointed an unpaid Magistrate, the Governor should select and appoint a fitting person as a Constable.
- 6. City of Victoria Council. Letter dated 4 Novr. 1865 read forwarding resolution of Municipal Council requesting an Advance of One thousand Dollars to discharge Municipal liabilities. Letter dated 23 Oct 1865, read from Colonial Secretary to the Mayor, informing him that the Council were then indebted to the Government in the sum of \$17,444.32 and that therefore the Governor could not make any present advances. Council resolved that an answer be returned to the Municipal Council, that as the circumstances had in no way altered, the decision given in the above mentioned letter of 23 Oct. 1865, cannot be departed from.
- 7. Claim from Mr. Ewing. Letter dated 30 Oct. 1865 read in which Mr. Ewing takes exception to certain disallowances in the settlement of his final account for building the Steamer "Sir James Douglas." Resolved that the claim cannot be admitted.

- 8. Disbursements by Coroner. Various items as contained in his Accounts rendered for month of October and Arrears considered. Resolved that a fee of no more than 10 Dollars be allowed to coroner for any one Inquest. That present accounts be paid, but that in future no expenditure will be authorized in excess of sums allowed by English Acts, except under special authority from the Governor.
- 9. Direct Steam communication with San Francisco. Letter dated 2 Novr. 1865 read from A. T. Elliot inquiring what countenance and support the Government will give to a three weekly communication with San Francisco. To be informed that the project for a three-weekly communication cannot be entertained by the Government.

The Council then adjourned.

A. E. Kennedy

### Monday, the 27th day of November, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The following Despatches were read from the Secretary of State.

No. 44, 5 September 1865. That a portion of Crown Revenue received from Marriage Licence Fees may be appropriated to Charitable purposes.

No. 47, 14 Sep. 1865. Approval of Lords Commissioners of the Admiralty of arrangements made in respect of Colonel Fosters wharf at Esquimalt.

No. 39, 14 August 1865. Claims of Hudson's Bay Company in respect of lands in Vancouver Island, and opinion of Law Offices of the Crown on Lowenberg's Case.

Memorandum dated 20 October 1865, by Mr. Young, Colonial Secretary, bearing upon above Despatch read.

Governors Despatches to Secretary of State dated No. 10 of 2 Feby. 1865, and No. 23 of 15 April 1865, connected with the same subject also read.

His Excellency proposed to Council that Despatch No. 39 as above read should be at once transmitted to Legislature, in which the Council concurred.

The Acting Attorney General here entered and took his seat.

- His Excellency read to the Council a draft of his Address upon the occasion of calling together the Legislature summoned for Tuesday the 28th Instant. Various points discussed and settled.
- Direct Steam Communication to San Francisco. Letter dated 24 Nov 1865, read from Mr. A. T. Elliott referring to his Letter of the 2nd Instant, and to the reply sent him on the 7th Instant, and further discussing the project. Resolved that he be informed that the Govt. are most desirous to encourage

and establish such a project, that it is at present in communication with the Govt. of British Columbia upon the subject, and that his Letter will receive due attention.

- Case of William London. Letter read from A. F. Pemberton, Chairman of Bench of Magistrates, dated 16 Novr. 1865, recommending that an abatement should be made in the amount of Licence money paid by William London in consideration of the distance of his Home from Town. Resolved that this recommendation cannot be complied with without prejudice to others similarly situated.
- Case of W. H. Wheeler, convicted of keeping a Gambling House. Petition from Sarah Ann Wheeler his wife, praying for his pardon considered. Resolved that there are no sufficient reasons for interfering with the ends of justice.
- Grant of Money to Victoria Hospital. Application read from A. F. Pemberton Treasurer, dated 17 Novr., for further funds. Resolved that One thousand dollars be paid.

The Council then adjourned.

A. E. Kennedy

### Wednesday, the 6th day of December, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- Marriage Licence Fees. His Excellency introduced this subject & commented upon the recent correspondence with the Legislative Assembly upon this subject, and caused to be read a Despatch from the Secretary of State No. 53 dated 25 September 1865, directing the Governor to withhold his Assent to any Bill making Marriage Licence Fees part of the General Revenue. Resolved that a copy of this Despatch be transmitted to the Legislative Assembly.
- 2. Salaries Tax Act. Despatch read from Secty. of State No. 49, of 23 September 1865, stating that this Act will not be assented to until it is clear that it does not apply to Officers paid from Imperial Funds.
- 3. General Average claim, ship "John Stephenson." Letter dated 4 Dec. 1865, from Messrs. Henderson & Burnaby read, claiming the sum of \$1207.60 on account of general average claim on Government Stores per "John Stephenson." Decided that the sum must be paid, and should be recovered from Insurance Co. in London through Agents General.
- 4. Estimates for the year 1866. The Estimates were then taken up discussed and settled.
- 5. Steam Tug "Sir James Douglas". Letter dated 1 Decr. 1865 read from "James Frain" asking information as to charter or sale of the "Sir James Douglas".

- Resolved that he be informed that the Vessel cannot be chartered, but that any reasonable offer for her purchase will be entertained.
- 6. Accounts of Coroner. Claim of Dr. Ash of \$20 for holding a partial post mortem examination on the body of Richard Smith, brought to the notice of the Council by His Excellency, and the matter discussed. Resolved that if the fee be in excess of the sum allowed by English Law that it should not be paid.
- 7. Church Reserve. Letter dated 10th Novr. 1865 read from Mr. J. J. Cochrane claiming refund of the sum of \$450 asserted to be wrongfully paid for taxes. Resolved that any sum paid twice over should be refunded, but that no action could be taken by the Governor in respect of the alleged acts of wrongful assessment. The Attorney General dissenting.

The Council then adjourned.

A. E. Kennedy

#### Tuesday, the 12th day of December, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. His Excellency brought before Council a Message he had received from the Legislative Assembly asking for Copies of Despatches written by His Excellency to the Secretary of State upon the subject of the Crown Lands and Union Resolutions: and read to the Council a draft of the reply he proposed to send. The same was discussed and settled.

The Council then adjourned.

A. E. Kennedy

# Tuesday, the 19th day of December, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of last Meeting were read & confirmed.

- 1. Lock up for Saanich. Letter dated 5th Dec. 1865 read from A. C. Anderson J. P. Saanich seeking authority to build a Lock up. Resolved that the work be postponed for the present.
- 2. Royal Hospital. Letter dated 15th Dec. 1865 read from A. F. Pemberton, Honorary Treasurer, seeking further advances on account of vote in aid. Resolved that no further sums be paid except by special sanction of the Legislature.

- 3. Supplies for year 1866. Tenders received brought before Council, considered, and settled.
- 4. Bills relating to the undermentioned subjects were then read, discussed and generally agreed to in principle.

To establish the office of Coroner.

To provide for the reception of Native Evidence.

- 5. Postal Service. Despatch dated 11 Oct. 1865, No. 57, from Secretary of State upon this subject read.
- 6. Direct communication with San Francisco. The Governor then brought before Council this matter which was discussed, and decision come to that Tenders for the service should be at once invited.

The Council then adjourned.

A. E. Kennedy

### Saturday, the 30th day of December, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- Direct Steam communication to San Francisco. The Governor brought this matter before Council and proposed that an officer or Agent be dispatched to San Francisco to communicate with the Steam Ship Companies there and ascertain the amount required for establishing a direct Service for 6 Months. The matter was discussed generally by the Council and His Excellency's proposal concurred in.
- Municipal Debentures of City of Victoria. Upon consideration of this subject it was decided that the Debentures falling due the 31 December 1865, should be taken up and paid under the provisions of the "Victoria City Half per Cent Tax Act 1865."

The Council then adjourned.

A. E. Kennedy

# Monday, the 15th day of January, 1866

Present: His Excellency The Governor, the Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of last Meeting were read and confirmed.

1. Case of Dick an Indian lying under sentence of Death. Letter read from Chief Justice dated 10 Jany. 1866, enclosing his Notes, and expressing his con-

currence in a recommendation to Mercy made by the Jury in rendering their Verdict.

Chief Justice Needham appeared before the Council & stated his views in respect of the capital sentence not being carried out.

The Council considered the subject and recommended that the Sentence be commuted to Four years imprisonment.

2. Draft of amended Indian Liquor Act brought before Council and generally discussed.

The Council then adjourned.

A. E. Kennedy

### Wednesday, the 17th day of January, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- 1. His Excellency brought before Council the circumstance of the Estimates for the current year not having been yet passed by the Legislature, and requested the opinion of the Council as to the Establishments of the Colony being continued according to the Estimates of last year. The Council were unanimously of opinion that this course should be pursued.
- 2. His Excellency then brought before Council a Resolution of the Legislative Assembly dated 12 January 1866 requesting that the Departments of Government be directed to furnish a Finance Committee appointed by the House any information they may desire. The matter was discussed, and the irregularity of the proceeding fully commented upon, and it was decided that answer be returned to the effect that any verbal information required in respect of the Estimates would be rendered upon application to the Colonial Secretary, but that any other information could only be obtained through the usual & recognized channel.
- 3. His Excellency then read to the Council a Resolution of the Legislative Assembly also dated 12th January 1866, asking for all papers connected with the recent action of H. M. Ship Clio at Fort Rupert. Matter discussed and it was decided that the Letter of Captain Turnour dated 29 Dec. 1865, which was the only paper in possession of His Excellency relating to the matter should not be produced.

The Council then adjourned until tomorrow at Noon.

# Thursday, the 18th day of January, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- 1. His Excellency brought before Council the circumstances of the Legislative Assembly having upon a recent occasion, according to the report of the Newspapers, passed a Resolution declaratory of its right to initiate money votes, and of its having in pursuance of such assumed right, not only increased Salaries placed upon the Estimates, but actually created New Offices and voted Salaries for them. The subject was freely discussed and the Council were unanimously of opinion that the Legislative Assembly possesses no such power or privilege as that now so claimed and assumed, and, further, that the action of the Assembly in respect of such assumed privilege should be firmly resisted, as in the opinion of the Council nothing could be more disastrous to the progress and well being of this Colony than the possession by the Legislative Assembly of such a prerogative as that now claimed.
- Postal Matters. His Excellency suggested to the Council that in view of the introduction of the Postal Bill, a copy of the Secretary of States Despatch No. 57, of 11 Oct. 1865, (read to Council on 19th December 1865) should be transmitted to the Legislative Assembly. The Council concurred.
- 3. Draft Bills for the protection of Estates of deceased Strangers, and for regulating Gold Mining were shortly discussed, & further action for present delayed.
- 4. Building Dredger. Claim for Mr. Trahey Contractor for a Balance due was considered. Letter dated 11 Jany. 1866 from Acting Surveyor General reported that in his opinion \$103<sup>2</sup>%<sub>100</sub> was alone due. Resolved that settlement should be made on this basis.

The Council then adjourned.

A. E. Kennedy

# Thursday, the 1st day of February, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor laid before the Council certain Resolutions of the Legislative Assembly combined and embodied with the Estimates which the Assembly had voted in Committee of Supply for the Year 1866, and which Resolutions and Estimates had been handed to His Excellency by the Speaker of the Legislative Assembly. His Excellency requested the opinion of the Council as to whether he was justified in disbursing the sums voted in the Estimates before the usual Supply Bill was passed. The matter was discussed and in discussion the Colonial Secretary stated that the Legislative Assembly heretofore had followed the practice pursued in the Imperial Parliament and that the invariable custom hitherto had been for the Executive to apply the money as

soon as voted in Committee of Supply, the Supply Bill being generally only presented to the Governor for assent at the close of the Session. The Council came to the opinion that the Governor was fully justified in acting in accordance with this custom, by applying the moneys now voted without waiting for the formal passing of the Bill of Supply.

2. His Excellency then proposed that as the Legislative Assembly had refused to vote certain Salaries placed upon the Estimates by which the undermentioned Officers could be paid that notice should be given them at once that their services would be dispensed with from that date, their Salary for the current Month being paid: and the question of compensation for loss of office being left to be dealt with hereafter. The Council concurred.

The Private Secretary to the Governor.

The Second Clerk Colonial Secretary's Office.

The Clerk in the Treasury.

The Clerk to the Attorney General.

The Clerk in the Land Office.

The Superintendent of Roads.

The Superintendent of Police.

The Inspector of Police.

The Stipendiary Magistrate, Sooke.

The Stipendiary Magistrate, Nanaimo.

The Messenger Colonial Secretary's Office.

It appearing however upon discussion that the Clerk in the Treasury could not be dispensed with without serious evil to the public service, & without interference with the working of several existing Tax Acts it was resolved that he should have his duties combined with those of Clerk in the Land Office; and, it was further resolved for the proper conduct of the Gaol and police Department that it was highly desirable the services of the present Superintendent should be retained by combining his office with that of Inspector, and likewise the services of the present Inspector Mr. Welch, by creating him police Sergeant.

The Council then adjourned until tomorrow at 11.30 a.m.

A. E. Kennedy

# Friday, the 2nd day of February, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor placed before the Council the Draft of the reply he proposed to send to the Messenger of the Legislative Assembly, submitting to him the statement of sums voted in Committee of Supply upon the Annual Estimates. The said Draft was duly considered and concurred in by the Council.

The Council then adjourned.

### Friday, the 9th day of February, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- Steam communication with San Francisco. Resolution dated 7th Feby. 1866, of the Legislative Assembly recommending acceptance of offer made by H. B. Co. of Steamer Labouchere read. His Excellency stated that this offer had been accepted accordingly being the only feasible offer made.
- 2. Removal of Coroner. Resolution dated 2 Feby. 1866 of the Legislative Assembly read, requesting copies without delay of all documents shewing the cause of the removal from the Office of Coroner of Dr. Dickson. The Council were of opinion that special allusion having already been made to this matter in the Message sent to the House by His Excellency on the 2nd February last, that no separate reply need be sent to this Resolution. The Council also expressed the opinion that the terms of the Resolution were neither courteous nor proper.

The Attorney General here entered.

- 3. Removal of Coroner. Letter read from Dr. Dickson dated 7th Feby., protesting against his removal from Office. To be noted as read.
- 4. Requisition from House of Assembly made on the Treasurer for Accounts. The following resolution was read, together with a letter from the Treasurer dated 8 Feb. 1866, asking for instructions thereupon.

Resolved—that the Treasurer be Ordered to transmit forthwith a statement showing the amount of Taxes due under "the Real Estate Tax Act 1862" on 31 Dec. 1865.

That the Order be sent direct to the Treasurer.

Signed R. W. Torrens Clerk of the House

The Council were of opinion that in the absence of any Address to The Governor for this information the Treasurer could not be authorized to supply it in the manner demanded.

5. The Governor then placed before Council a Despatch from The Secretary of State dated the 12th day of October 1865, No. 59, relative to the action taken by the Assembly in respect of the repayment of the moiety of the cost of erection of Lighthouses, & to the repayment of sums advanced by the Governor in aid of General Revenue out of Crown Revenue; and after a full discussion of the matter it was resolved that a copy of this Despatch should be transmitted to the Legislative Assembly.

The Council then adjourned.

### Monday, the 19th day of February, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- 1. Resolutions of Legislative Assembly dated 9 Feby. 1866, in reply to The Governors Message of No. 8 of [2 February] 1866 read to the Council. The Council considered it unnecessary that any reply should be returned to these Resolutions.
- 2. Resolutions of Legislative Assembly dated 8 Feby. 1866, appointing a Committee to inquire into Expenditure of 1865, read to the Council. The Council considered that no action need be taken thereupon at present.
- 3. Resolution of Legislative Assembly dated 15 Feby. 1866 asking for Return of Passport fees, read to the Council. The Council were of opinion that no reply should be sent to this resolution.
- 4. Case of Indian Dick found guilty of Murder but whose sentence was commuted to Imprisonment for 4 years. His Excellency again brought this mans case before the Council, and the Council were of opinion that under all the circumstances of the case the man should be granted a free pardon.
- 5. The following Despatches from the Secty. of State were then read.

No. 65, of 3rd Nov. 1865, relative to Mr. G. H. W. Browns application for Lease of Mineral lands.

No. 66, of 7 Nov. 1865, relative to Oath of Allegiance taken by Volunteer Corps.

Circular, 24 Nov. 1865, Reports on extension of Leave of absence.

Circular, 23 Nov. 1865, As to Insurance.

Circular, 10 Nov. 1865, Paris Exhibition of 1867.

With reference to the Despatch respecting Insurance the Council were of opinion that the existing practice of Insuring goods sent to the Colony should be continued.

With reference to the Despatch respecting the Paris Exhibition, the Council considered that a Copy should be sent to the Legislative Assembly to ascertain whether the Legislature were prepared to make any provision for this object.

- 6. Overdraft at Bank. Letter read from Treasurer dated 9 Feby. 1866, reporting present overdraft to be \$73,000, and asking instructions as to procural of further funds. Matter fully discussed, and the Council were of opinion that existing arrangement should be continued for the present.
- 7. The undermentioned Bills sent up from the Legislative Assembly were then considered.

Bill respecting Barristers and Attorneys. To be thrown out.

Bill to amend the Law of Partnership. To be left to discretion of Legislative Council.

Bill respecting descent of real property. To be thrown out.

To amend the Franchise Act. To be left to the discretion of the Council, and to be considerably amended in respect of property of notification.

Bill to extend the Representation Act. To be thrown out in second reading. The Council then adjourned.

A. E. Kennedy

### Monday, the 5th day of March, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- Case of Mattie Rassid brought before Council. The Chief Justice appeared
  personally before the Council and stated that this man had been found guilty
  of the crime of Sodomy and had been sentenced to Death. The case was a
  gross and clear one, but it was unusual in similar cases to carry out the capital
  sentence.
- 2. Case of James Brown found guilty of assault with intent to do grievous bodily harm. The Governor laid before the Council a Petition that had been presented to him on behalf of James Brown, asking for a reprieve of the sentence of two years imprisonment passed upon him. The Chief Justice was requested to state his opinion in this case. He read his notes, and represented that he had passed the sentence only after the most anxious consideration, and he could not but consider it would be in the highest degree unadvisable to interfere with the sentence.

The Chief Justice then withdrew.

The Council considered this case, and were of the opinion that the Law should take its course, the Attorney General dissenting:—and with respect to the case of Rassid that the Capital sentence should not be carried out.

3. Administration of affairs at Nanaimo. A Memorandum dated 21st Feby. 1866 by Mr. Young the Colonial Secretary, read to the Council, detailing the existing state of affairs at Nanaimo in consequence of no Salaries having been voted for the necessary Officers:—and an opinion of the Attorney General dated the 24 February that it was imperative to appoint an Officer to collect Harbour Dues, and that the cost of collection, in the absence of other provision, could properly be defrayed out of the Dues collected also read. The matter considered, and the Council advised the Governor to adopt this course, none other being open.

The Council then adjourned.

# Wednesday, the 4th day of April, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- 1. Bills sent up from Legislative Assembly. The undermentioned Bills sent up from the Legislative Assembly were brought before the Council and were considered and discussed.
  - 1. A Bill respecting Ferries.
  - 2. A Bill for securing Liens to Mechanics and others.
  - 3. A Bill to incorporate the Town of Nanaimo.

The opinion of the Attorney General dated 10 March 1866, upon the first two Bills was read, and it was decided unanimously that they should be thrown out in the Legislative Council.

The last named Bill was considered and found to be utterly impracticable in its provisions. Moreover it appearing that the majority of the inhabitants had petitioned that the Bill should not be passed into Law, it was unanimously resolved that the Bill should be thrown out in the Legislative Council.

- 2. The undermentioned Draft Bills proposed by the Attorney General were then considered.
  - 1. A Bill to regulate the registration of Births, Deaths, & Marriages.
  - 2. A Bill to establish a Standard of Weights & Measures.

Agreed that the foregoing Bills should be introduced into the Legislative Council and dealt with by the different official Members therein, according to their discretion.

- 3. The manner in which the undermentioned Bills sent up from the Legislative Assembly should be dealt with in the Legislative Council was then considered.
  - 1. To repeal the Real Estate Tax Act.
  - 2. To amend the Trades Licence Act.
  - 3. To amend the Stock & Carcass Act.
  - 4. To amend the Harbour Dues Act.
  - 5. To amend the Liquor Licence Act.
  - 6. To repeal the Salaries Tax Act.
  - 7. To raise a Loan of £50,000.
  - 8. To raise a temporary Loan of \$100,000.

It appearing that "The Supply Act 1866" upon which these Bills for the most part appeared to be founded had not accompanied them, it was resolved that action upon them should be suspended for the present, pending the receipt of "The Supply Bill."

The Council then adjourned.

### Friday, the 11th day of May, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read and confirmed.

- 1. The Governor brought before the Council "A Bill to explain and amend the Victoria Incorporation Act 1862" and after consideration thereof it was decided in respect of Clause 8 that the power to appoint a locum tenens of the Stipendiary Magistrate at Victoria should rest with the Crown and not with the Municipal Electors, and in respect of Clauses 11 & 12 that Municipal Voters should be confined to British Subjects. With respect to the whole Bill, with these exceptions, it was to be left to the discretion of the Legislative Council.
- 2. A "Bill for the protection of Inventors" which had passed the Assembly was then considered and it was decided it should be left to the discretion of the Legislative Council.
- 3. The subject of the employment of the Chain Gang in cleaning the Streets and Gutters in the City was then considered, and a Petition to the Governor from many Inhabitants read: and after full discussion it was decided that if the Mayor & Corporation would provide the funds to meet the extra outlay required for guards &c. The Governor will place the Chain gang at the disposal of the Mayor for a limited period.

The Council then adjourned until tomorrow at 11:30 a.m.

A. E. Kennedy

# Saturday, the 12th day of May, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought before Council an Agreement made by Mr. C. W. Wallace acting on behalf of this Government with Messrs. Holladay and Hartshorne and dated the 4th of May 1866, for running Steamers between San Francisco & Victoria. The matter was fully discussed, and it was decided that the Contract should be accepted whenever it was determined that the communication between the two places should be direct; that stipulation not being now expressly mentioned in the Agreement.

The Council then adjourned.

# Monday, the 21st day of May, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of the last Meeting read and confirmed.

- 1. The Governor placed before Council & caused to be read a Letter from the Chief Justice dated the 16 May 1866, together with a Report from the Chief Justice and Captain Price, and Mr. Townsend, Master of H. M. Ship Scout, upon the result of the Inquiry into the circumstances attending the loss of the Contract Mail Steam Ship Labouchere. The Council were of opinion that it was not incumbent upon the Govt. to take further steps in the matter. With respect to the remuneration to be given to the Naval Officers sitting as Assessors it was decided that the precedent established by the case of the Carriboo should be followed.
- 2. An Application dated the 14th May 1866, was then read from Messrs. Drummond & Dickson, the Chief Engineer and the Treasurer of the Victoria Fire Department, requesting a portion of the Money set apart for the Department. It was resolved that no definite answer could be given until the Supply Bill of 1866 was passed.
- 3. A proposition dated the 18th May 1866 was then read from Mr. Wm. London in respect of running the Steamer "Carriboo" between Victoria and Comox, calling at the way ports. It was resolved that the matter be referred for Report to a Board consisting of the Colonial Secretary, the Treasurer, and the Surveyor General.
- 4. Letters dated the 10th and 17th May 1866 from Messrs. Wilson & Murray, & Mr. Thos. Hodges were considered, offering to supply the Prison with Bread. It was decided that Mr. Hodges offer, it being considered bonâ fide, should be accepted till the end of the year.
- 5. The Governor then placed before Council a Letter from Mr. E. G. Alston dated the 17th May protesting against the reduction made in his Salary by the Legislative Assembly. His Excellency explained that this was only one of many letters upon the same subject which he had received from other Officers, and he now brought it before Council to enable him to introduce the subject, and to state that he wholly dissented from the action taken by the Assembly, that he had referred the whole matter to the Secretary of State, and that he was in expectation of an answer by the next Mail: and he doubted not that the Salaries now short paid to various Officers would eventually be refunded to them.

The Council then adjourned.

### Saturday, the 26th day of May, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read & confirmed.

- 1. The Governor brought before the Council a Message he had received from the Legislative Assembly dated the 21st May 1866, asking for Returns of sums of money borrowed from the respective Banks of the Colony, and for a Return of the Authority under which the loans had been negociated. His Excellency then placed before the Council the draft of the Message he proposed to send in reply. The same was considered in detail, and concurred in.
- 2. The Governor laid before the Council and caused to be read a Despatch from the Secretary of State, No. 74, of 30 December 1865, with its enclosures, upon the subject of the want of legislation in respect of the Post Office Department in the Colony. His Excellency read to the Council an Extract from his opening Speech to the Legislature in November last, pointing out the incovenience arising from the want of Legislation on this subject: and he referred to certain proceedings which had recently occurred in the Legislative Assembly in respect of Mail communication with San Francisco. His Excellency pointedly alluded to the existing state of affairs, and to the complications likely to ensue, and requested the Council to weigh and consider the whole subject in anticipation of the expected Message from the Legislative Assembly.
- 3. A claim of the Hudson's Bay Co. for the sum of \$1500 for a voyage of the "Labouchere" to and from San Francisco, and of \$750 for a voyage to San Francisco in March last, was then considered. The Contract for the employment of the Labouchere was referred to, and it was determined that the first claim should be paid, but that for the latter there were no grounds under the terms of the Contract.
- 4. A Letter dated the 22 May 1866 was then read from Superintendent Hankin, seeking the assistance of the Attorney General, to defend him in an action commenced at the suit of one Isaac Turgoose. Decided that instructions should issue to the Attorney General accordingly.
- 5. A Letter dated the 18th May 1866 was read from Captain Clarke of Steamer "Sir James Douglas" submitting that he should be vested with discriminating powers in respect of fares for passengers and freight in certain cases. Decided that it would be inexpedient to make any alteration of this character in existing rates.

The Council then adjourned.

### Thursday, the 31st day of May, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of last Meeting were read & confirmed.

1. The Governor read to the Council a Message from the Legislative Assembly, dated the 30th May 1866, asking for information in respect of direct Steam communication with San Francisco. The Message of the 17th April 1866 recommending the Governor to make the best arrangement possible for this Service was also read. Drafts of Messages in reply were read and the subject was very fully discussed, the Attorney General expressing the opinion that the Contract made by Mr. Wallace on behalf of this Government, dated the 4th May 1866 was legally confirmed, and was binding on all parties concerned. It was finally decided that in view of the apparent inability of the Government to meet the payments falling due under the Contract, no express provision having been made by the Legislative Assembly, the Agent at Victoria of the Company should be requested to attend before the Council and his views on the matter be ascertained.

The Council then adjourned until Friday the 1st June at 11:30 A.M.

A. E. Kennedy

# Friday, the 1st day of June, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer.

The Minutes of last Meeting read & confirmed.

- 1. The Governor placed before the Council a letter dated the 31st May from the Manager of the Bank of British North America calling attention to the overdrawn account being beyond the amount authorized by the Directors, and intimating that he could not meet any further overdraft. The serious state of matters thus brought about was fully discussed, and the Council with the evidence before them of the published proceedings of the Legislative Assembly consequent upon the receipt of the Governors Message of the 26th May relative to the authority upon which the overdrafts had been made were forced to the conclusion that those proceedings had induced the Manager to thus stop the credit of the Government. It was resolved that a Message should at once be sent to the Legislative Assembly forwarding the Managers Letter, alluding to the foregoing considerations, and informing the Assembly that the Governor declined to take further responsibility without express authority of the Legislature.
- 2. Mr. J. P. Cruch, the Agent at Victoria for the San Francisco Steam Navigation Company appeared before the Council in pursuance of the notice sent to him. The Governor explained the circumstances in which he was placed by the

failure of the Legislative Assembly to place the means at his disposal wherewith to discharge the liabilities under the Contract with the Co. of the 1st May 1866 and asked whether he would authorize the postponement of the question of the acceptance of that Contract until these means were provided. Mr. Cruch declined to take this responsibility upon himself, but stated that he would at once telegraph to the Directors, and that their reply when received should be communicated.

Mr. Cruch then withdrew.

- 3. The question of the payment of the Monthly Salaries was then considered, and under the circumstances detailed in Paragraph I of this days minutes of proceedings, it was resolved that the Treasurer should be instructed to withhold making any further payments unless specially authorized.
- 4. A Tender dated the 25th May 1866 from Messrs. Wilson & Murray for the supply of Groceries to the Gaol was then considered. It appearing that the present supplies were obtained from the Hudsons Bay Co. at lower prices, it was resolved that it should be declined, and a written agreement should be entered into with the Hudsons Bay Co. for the supply at those prices for the rest of the year.

The Council then adjourned.

A. E. Kennedy

# Friday, the 8th day of June, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- 1. Letters were read from the Attorney General dated the 31 May 1866, and 7 June 1866, reporting upon the undermentioned Bills respectively, and that he saw no objection to The Governor assenting to the same. The Council being of the same opinion His Excellency then formally assented in the usual manner to a Bill entitled "An Act to facilitate the recovery of small debts and other Demands" and to a Bill entitled "An Act to amend the Liquor Licence Act 1861."
- 2. The Governor then read to the Council a Telegram received by Mr. J. P. Cruch, in reply to a Message sent by him on the 1st June after his interview on that date with the Governor in Council. The Telegram was as follows.

San Francisco June 7 1866, 8.40 P.M.

To John P. Cruch

The Mail Service will be performed according to Contract whether the subsidy is promptly paid or not.  $x \ x$ 

B. M. Hartshorne

- 3. The Governor then read to the Council the Draft of a Message which he proposed to send to the Legislative Assembly in reply to their Resolutions of the 17th April and 30 May relating to Steam communication with San Francisco. The Council concurred therein.
- 4. The Governor also read to the Council the Draft of a Message which he proposed to send to the Legislative Assembly in reply to their Message of the 5 June 1866 relative to the tariff Act of British Columbia. The same was considered and concurred in.

The Council then adjourned.

A. E. Kennedy

# Monday, the 18th day of June, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of the last Meeting read & confirmed.

- 1. The Governor read to the Council a series of Resolutions dated the 15th June 1866 of the Legislative Assembly having reference to the depressed state of the Colony and to the causes thereof. His Excellency stated that in addition to the request contained in the Resolutions that the same should be transmitted by Telegraph, the Speaker of the Assembly had himself waited upon His Excellency and urged the expediency of that course. His Excellency then read a draft of a Message in reply in which he stated he proposed to submit the Resolutions to the Legislative Council & declined to forward them without the usual report. The Council entirely concurred in this course.
- 2. The Governor then read to the Council a Resolution of the Legislative Assembly dated the 6th June 1866 asking for Returns of Receipt and Expenditure of Crown Revenue. His Excellency read a Draft of the reply which he proposed to send declining to furnish such Returns. The Council concurred therein.
- 3. The Governor also read to the Council a Message from the Legislative Assembly dated 14 June asking for a Return of all Salaries paid from General and Crown Revenue. Decided to defer consideration of this Message.
- 4. A Letter dated 11 June 1866 was read from the Registrar of the Supreme Court conveying the recommendation of the Chief Justice that Captain Price and Mr. Townsend who sat as Nautical Assessors in the inquiry into the loss of the Labouchere should be paid for their services. The Council considered that Captain Price should be paid 15 Dollars a day and Mr. Townsend seven dollars and a half a day for 3 days in compensation of their expenses.

The Council then adjourned until Noon tomorrow.

#### Tuesday, the 19th day of June, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- 1. The course to be adopted by the Members of the Executive Council in their places in the Legislative Council when considering the Resolutions of the Legislative Assembly dated 15th June 1866 upon the state of the Colony was discussed at great length, and it was decided that the matter should be left to open discussion in the Legislative Council.
- 2. The Governor placed before the Council a Resolution dated the 18 June 1866 from the Legislative Assembly asking for certain returns as to Revenue and expenditure of the Postal Department, and of the Government Steamer "Sir James Douglas." Decided that the information should be supplied.

The Council then adjourned.

A. E. Kennedy

#### Friday, the 22nd day of June, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- 1. The Governor placed before the Council a Copy of the Resolutions passed by the Legislative Council upon the Resolutions of the Assembly dated the 15th June 1866, upon the state of the Colony. The Council were of opinion that these Resolutions together with the Assembly Resolutions should be transmitted to the Secretary of State in the regular manner: and the Council were further of opinion that His Excellency should draw the especial attention of the Secretary of State to the misstatement made by the Assembly in their Resolutions dated the 20 June 1866 in reply to His Excellency's Message of the 18 June 1866, alleging that the Assembly were obliged to telegraph the Resolutions, for the reason that the Governor declined to do so unless they were "approved" by the Legislative Council.
- 2. The Governor read to the Council a Message from the Assembly dated the 20 June 1866, in reply to His Excellency's Message of the 18 June 1866, relative to the Crown Revenues, in which Message the Assembly repeat their request for the Returns sought. His Excellency read a draft of his proposed reply together with a Despatch from the Secretary of State dated the 12 October 1865, which it was intended should form an Enclosure to His Excellency's reply. The Council concurred.
- 3. The Governor then asked the opinion of the Council as to the expediency of any Telegram being sent to the Secretary of State in respect of the Assembly

- Resolutions dated the 15th June 1866. The Council considered that a short Telegram simply stating that Governor's Report and Resolutions could leave by outgoing Mail, should be sent.
- 4. A Message from the Legislative Assembly dated the 19th June 1866, was then read, asking for Returns of Receipt and Expenditure for the current year. It was decided that the Treasurer should be called upon to furnish the information as soon as practicable.
- 5. The Governor brought to the notice of the Council the fact that more than 20 days had elapsed, between the sailing of the Contract Steam Vessels under the Agreement with Messrs. Holladay & Hartshorne dated the 4 May 1866. The Council considered that inquiry should be instituted into the matter upon arrival of the next Steam Vessel.
- 6. Letters dated the 19th June and 21st June 1866 from the Auditor to the Colonial Secretary were then read enclosing Comparative Statements & Recapitulation of Revenue Received and Expended for the year 1865. The Council were of opinion that these Documents should be sent to the Assembly.
- 7. A Letter dated 18 June 1866 from the Superintendent of Education was read, recommending certain alterations in the disposition of the Schools in Victoria City and District. The Council considered that no changes could be sanctioned at present which would involve expenditure.
- 8. A Letter dated the 7th June 1866 was then read from the Surveyor General recommending that the line of road discovered by Mr. Patterson between Goldstream and Cowichan should be marked out and levels taken. The Council were of opinion that the necessary expenses for this purpose, viz. \$120, should be incurred.
- 9. The Governor stated to the Council that the Balance now in the Treasury amounted to \$2500, and suggested as a means of security that it be reduced by \$1500 being paid in to the Bank to the credit of Crown Revenue, in which the Council concurred.

The Council then adjourned.

A. E. Kennedy

End of Min. 30 June.

# Monday, the 2nd day of July, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought to the notice of the Council the circumstance of the Superintendent of Police having been summoned before a Committee of the Legislative Assembly, and that as time would not admit of a previous refer-

- ence to the Council, Mr. Hankin had been instructed not to comply with the summons, no address having been received by the Governor from the Assembly in respect of the matter. The Council quite concurred in this course.
- 2. The Governor then adverted to the Message dated 1 June 1866 (Vide Par. I. Minutes of Council 1 June) which he had sent to the Legislative Assembly relative to the refusal of the Bank to make further Advances, to which no reply had yet been received & H. E. read the draft of a Message which he proposed to send to the Assembly calling attention thereto, and to the complications which must inevitably arise unless proper action be taken. The Council fully concurred in His Excellency's views on this matter.
- 3. The Governor read to the Council a Message from the Legislative Assembly dated 29 June 1866 asking for details of Expenditure for 1865. It was proposed in view of the reduced staff that the Clerk of the Assembly should be permitted to copy the "Abstract" Statement for that year.
- 4. The Governor then read a Message from the Assembly dated 29 June asking for information as to sums transferred from General to Crown Revenue. It was agreed that a reply to this Message should be deferred for the present.
- 5. The Governor then placed before Council and caused to be read a Despatch from the Secretary of State dated 26 April 1866, with draft of a conveyance of unsold land from the Hudson's Bay Co. to the Crown: and His Excellency proposed that the same should be sent to a Board consisting of the Colonial Secretary, the Attorney General, & the Surveyor General for the carrying out of the object, in which the Council concurred.

The Council then adjourned until tomorrow at 11:30 A. M.

The Council immediately after adjournment as above, reassembled at the call of the Governor, the same Members present (except the Acting Surveyor General) to consider a Message just received from the Legislative Assembly asking for the attendance before a Committee of the House of Mr. Hankin the Supt. of Police. The Governor read a draft of proposed reply which was considered and agreed to.

The Council then adjourned till tomorrow as before decided.

A. E. Kennedy

# Tuesday, the 3rd day of July, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor placed before Council a Letter dated the 3rd July 1866, from Allen Francis, the United States Consul, asking for authority to fire a National

Salute upon the 4th July. His Excellency proposed that a courteous reply should be sent intimating that such a proceeding could not be authorized upon behalf of any Nation. The Council entirely concurred.

The Council then adjourned.

A. E. Kennedy

# Friday, the 6th day of July, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- 1. His Excellency stated to the Council that he considered that the time had now arrived when he could no longer withhold from again addressing the Legislative Assembly and laying before them a general statement of the financial affairs of the Colony and calling their attention to the serious evils that will inevitably result unless prompt action be taken by the Legislature: and His Excellency read the Draft of the Message he proposed to send. The same was considered and concurred in by the Council.
- 2. The Governor placed before the Council a Message from the Legislative Assembly dated the 2nd July inquiring whether or not the Address of the Assembly to the Queen dated 20 June 1866 had been forwarded. It was considered that no notice should be taken of this Message at present.
- 3. Adverting to Message of Legislative Assembly dated 29 June 1866 (Vide Minutes of Proceedings of E. Council, Par. III, of 2 July 1866). The Governor read a letter he had received from the Speaker of the Assembly dated 4th July, in which he proposed that a Committee of the Assembly which had been appointed for the purpose should be permitted to examine the "Abstract" for 1865 and if necessary to compare the same with the Vouchers. It was considered that a decision on this matter should be postponed for the present.

The Council then adjourned.

A. E. Kennedy

# Thursday, the 12th day of July, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor gave his Assent to the following Bills entitled An Act to amend the Law of Partnership.

An Act to enable the Governor of Vancouver Island to borrow the sum of Ninety thousand Dollars upon the security of the General Revenue of the Colony.

2. The Governor placed before Council and caused to be read a By Law passed by the Municipal Council of the City of Victoria on the 9th day of July Instant, to regulate the Sanitary Condition of the said City. The same was considered by the Council, & it was resolved should be left to its operation.

The Council then adjourned.

A. E. Kennedy

### Friday, the 20th day of July, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Actg. Surveyor General.

Minutes of last Meeting read and confirmed.

- 1. The Governor brought before Council the financial condition of the Colony so far as it is affected by the "Temporary Loan Act 1866," and read the draft of a Message which he proposed to send to the Legislative Assembly in respect of this matter. The same was considered, and the subject generally discussed, and it was considered that the matter should be postponed in the hope that the Estimates for the current year would then be forthcoming, and the subject could be much better treated as a whole than in part.
- 2. His Excellency then adverted to the subject of the House of Assembly having appointed a Committee to investigate into the Police Department, and to Witnesses having been improperly examined by the Committee on Oath. The Attorney General gave his opinion that it would be necessary to prove a criminal intent in the unlawful administration of an Oath to justify any proceedings being taken: and upon a general consideration of the matter, it was considered inexpedient to initiate any measures in regard hereto.
- 3. A Report from the Colonial Secretary and Acting Surveyor General dated the 2nd July 1866, was then read, upon the Leach River Ditch. And a letter dated 9 July from the Secty. of the Ditch Company was also read for a loan of \$3000 to complete the Ditch. It was resolved that a copy of the Report should be sent to the Assembly with a recommendation that the advance of the money required should be authorized for expenditure under Government control: and further that the proposition of the Ditch Company should be referred to a Board for report consisting of the Col. Secty., the Attorney General, the Treasurer, and the Surveyor General.
- 4. A letter dated the 17th July 1866, from Dr. Tolmie on behalf of the Hudson's Bay Co., was then read, asking for payment of the sums due to the Company, or for a remittance to account. It was decided that an answer be returned that the ways and means were not at the Governors command at present. The

claims of the Company to the moneys above referred to were also considered and it was decided that only a portion was due, viz., that the \$750 claimed for a half trip performed by the Labouchere could not be admitted, but that the \$1000 for carrying Mails between Victoria and New Westminster for the year 1865 was earned and should be paid when practicable.

- 5. A letter dated the 13th July 1866 was then read from A. F. Pemberton, Treasurer of the Victoria Hospital, asking for a payment on account of the Vote for the year. To be informed in reply that the Estimates for the year have not yet been received, and that the money is not available.
- 6. The Governor then brought before the Council the subject of the Dredger now lying idle in Victoria Harbour. In June 1865 a Message on this subject had been addressed to the Assembly to which no reply was returned. The Council considered that the attention of the Assembly should be again called to the subject, and an expression of opinion sought.

The Council then adjourned.

A. E. Kennedy

### Tuesday, the 7th day of August, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- 1. The Governor read a Message from the Legislative Assembly dated 3 Augt. in reply to his Message respecting the Dredger, Steam Tug and Punts. The Assembly recommend that they should not be disposed of: and it was decided by the Council that the punts should be placed on the mud flats above James' Bay Bridge.
- 2. A Message dated the 31st July was then read from the Legislative Assembly, in reply to the Governors recommendation, informing His Excellency that the sum of \$4500 would be placed upon the Estimates for the Leach River Ditch. A Letter dated the 4 August from C. T. Millard Secty. of the Ditch Company was also read; and it was resolved that Tenders for the supply of lumber should be called for, and that the work to be undertaken should be examined by the Surveyor General assisted by two competent Engineers.
- 3. The following Despatches from the Secretary of State were then read.
  - 18 Dec. 1865. Respecting use of Distillery Apparatus of Messrs. Chaplin & Co.
  - 30 Dec. 1865. Alteration in scale of postage—one rate for each half ounce. 16 March 1866, No. 10. As to investment in certain Colonial Securities of Vancouver Island Sinking fund.
- 4. An account for the sum of \$187.35 expended by the Legislative Assembly in a Telegraphic Message was placed before Council, all the funds assumed to be

voted for the use of the House of Assembly for the year having been expended. It was resolved that it should be paid.

- 5. Two letters dated respectively 10 July and 31 July 1866, from the Board of Education were then read, the first relative to discharge of Mr. Russell, School Teacher, and the second to the confirmation of the appointments of Mr. Waddington, and three of the School Teachers, and it was resolved that as the Estimates were not yet in the hands of The Governor, and the ways and means doubtful, it was considered inexpedient at present to make permanent appointments, or sanction permanent arrangements.
- 6. An application dated 2 August 1866 from Mr. H. T. Heisterman in respect of renewal of Leases of certain land at Baynes Sound was read, and upon consideration it was resolved that as the required terms had not been complied with, the claim had expired.

The Council then adjourned.

A. E. Kennedy

### Tuesday, the 21st day of August, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read & confirmed.

- 1. The Governor gave his Assent to the following Bills.
  - 1. Entitled "An Act to amend the Law of arrest and Imprisonment for Debt."
  - 2. Entitled "An Act to regulate the number of persons required to form a Coroner's Jury in Vancouver Island and its Dependencies."
  - 3. Entitled "An Act to exempt the Homestead and other property from forced seizure and sale in certain cases."
- 2. A Telegram dated 20 August from Acting Consul at San Francisco was read, requesting instructions as to renewal of Insurance of Steamer "Sir James Douglas". The Council were of opinion that the very large amount of premium required, viz., \$1500 for 6 Months was considerably in excess of the risk and that as no money was specifically provided by the Legislature for the purpose, the Insurance should not be renewed, the Treasurer dissenting.
- 3. A Report dated 16th August from Messrs. Pearse, Homfray, & Tiedemann upon the Leach River Ditch was then read and also a letter dated 21st August from Mr. W. E. Stronach offering to undertake the whole work for the sum of \$5250. The matter was considered and the Council came to the opinion that the Tender of Joseph Jeffreys for Lumber should be accepted, and also that Tenders for the Dam, Fluming and Ditch be at once called for.

4. Tenders for repairing James Bay Bridge were then considered, and it was decided that the Corporation should be called upon to replace the Bridge and make it safe for Traffic.

The Council then adjourned.

A. E. Kennedy

### Monday, the 27th day of August, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General.

Minutes of last Meeting read & confirmed.

- 1. The Governor brought before the Council the Appropriation Bill as passed by the Legislative Assembly, and now before the Legislative Council, the Schedules to that Bill containing conditions attached to most of the votes. It was decided that these Schedules should not be passed by the Legislative Council being considered to involve an infringement of the powers of the Crown, & to be unconstitutional.
- 2. The following Dispatch from Secty. of State was then read. Circular, 30 June 1866. With Royal Proclamation respecting War between Austria & Prussia.
- 3. A Letter was then read from the Superintendent of Police dated 21st August 1866, representing the want of men to complete the establishment of the police force. The Council considered the matter and were of opinion that eligible and experienced Men would never be obtained untill the Police Department was constituted by law as a permanent establishment.
- 4. His Excellency read to the Council a Despatch from the Secretary of State No. 27, dated 25 June 1866 relative to the payments of fines, fees, and forfeitures to Crown Revenue.

The Council then adjourned.

A. E. Kennedy

# Saturday, the 1st day of September, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

The Governor explained to the Council that under the existing financial condition
of the Country, he had directed the Superintendent of Education and all the
School Teachers, the Clerk of the Assembly, the Clerk of the Post Master &
Harbor Master, to be notified that their Salaries could not be guaranteed after

the 31st day of August Instant: and His Excellency read to the Council Messages from the Legislative Assembly in respect of financial matters dated 28 August 1866 (two in number) & 31 August 1866 which had in a great measure compelled him to take this course. The Council concurred with His Excellency in the propriety of this step.

- 2. The Governor then read to the Council a Message from the Legislative Assembly dated the 28 August, rescinding the Resolutions as to Union of the Colonies passed on the 25 Jany. 1865.
- 3. The Governor then read drafts of Proclamations to be issued under the public Seal and dated this day for proroguing the Legislature and dissolving the Legislative Assembly from the 2nd day of September Instant, in which the Council concurred.

The Council then adjourned until Monday the 3rd Instant at 11:30 A.M.

A. E. Kennedy

#### Monday, the 3rd day of September, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- 1. Tenders for constructing Dam, Tresstle work, & Ditching of Leach River Ditch considered. The Council were of opinion that the Dam should be given to Joseph Jeffrey, provided he would accept a lower sum than that named, and the Tender of J. Nicholson & E. Jeffrey for the remaining work should be accepted.
- 2. A letter dated 27th August 1866, from Municipal Council read declining to undertake the repairs of James Bay Bridge. The subject was discussed and decision thereupon postponed.
- 3. A Circular Despatch from Secretary of State dated 6 June 1866 respecting disposal of Casual Revenues of Crown in Colonies was read.
- 4. The Governor then informed the Council that in view of our present financial condition, he proposed to appoint a Board to investigate and to report upon our actual & probable liabilities and upon the ways and means of meeting the same.

The Council then adjourned.

### Monday, the 17th day of September, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- 1. The following Bills passed by the Legislative Council and Assembly were brought before the Council and were assented to by The Governor.
  - 1. "District Road Amendment Act, 1866."
  - 2. "The Bills of Sale Amendment Act 1866."
  - 3. "The Harbour Dues Act 1866."
- 2. The Governor placed before Council a Report dated 11 Sep. 1866, from the Colonial Secretary, Treasurer and Auditor, upon the probable financial state of the Colony on the 31 Dec. 1866.
- 3. The Governor placed before Council a Despatch from Secretary of State, dated 16 July 1866, No. 1, ackdg. receipt of certain Resolutions from the Legislative Assembly forwarded direct by Telegraph; but that the same would not be considered until the Governor's report was received.
- 4. A Report dated 11 Inst. from the Surveyor General upon necessary Repairs to Government House was read, and the subject was considered and decision postponed until after arrival of next Mail.

The Attorney General here entered.

- 5. A Report dated 5th Instant was read from Surveyor General upon construction of road near to Sir James Douglas fence. The Council considered that the work should be undertaken at a cost of \$129 as proposed by the Surveyor General.
- 6. A draft Agreement was read for the Construction of a horse trail in the Quamichan District, in consideration of payment of \$150 when the Contracting party W. A. Robertson is called upon for the payment of 150 Acres of land which he is to be permitted to take up in the said District. The Council approved the same.
- 7. The following Accounts were placed before the Council.

T. L. Fawcett & Co. Crs. for certain works undertaken \$621, $^5\%_{100}$  and performed in Supreme Court . . . \$ Do— Do \_\_\_\_\_\_\_ \$101, $^9\%_{100}$  Hibben & Carswell, for School Books obtained from \$327, $^9\%_{100}$  England

The Governor explained that the first two had been incurred upon the responsibility of the Chief Justice, and after discussion the Council were of opinion that the amount should be paid when funds were disposable.

The latter had been incurred by the Board of Education in applying certain sums sanctioned. The Council considered it also should be paid, but were of opinion that the Board of Education had not acted with economy in the matter.

The Council then adjourned.

### Monday, the 24th day of September, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

- 1. The Governor placed before Council and caused to be read the following Despatch from the Secretary of State.
  - No. 2. 31 July 1866. Relative to proceedings of H. M. S. Clio at Fort Rupert, and intimating that any well considered measure for preventing sale of Spirits to Indians will receive the cordial support of the Secretary of State.
- 2. A letter dated 21 Sep. 1866, was read from Bank of B. N. America, asking for payment of interest and reduction of overdraft. The Council were of opinion that the Interest should be paid when due, but that repayment on account of principal should be deferred for the present.
- 3. The case of Mr. Neale, Mate of the Steamer "Sir James Douglas" was brought before Council, and an application dated 1 August from him for higher wages was read. The Council considered his Wages should be increased to \$55 a month.
- 4. The Governor brought before Council the question of the repairs of Government House postponed from the last Meeting, and the Council were of opinion that the requisite repairs should be undertaken forthwith, it appearing from the information afforded to the Council that it was absolutely necessary to adopt measures before the rainy season sets in to render the House watertight and habitable, and the Council approved of a sum not exceeding Two thousand five hundred Dollars being expended for the service.

The Council then adjourned.

A. E. Kennedy

# Tuesday, the 2nd day of October, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought before Council the circumstance of no Supply Bill having been passed by the Legislature for 1866, and of the undermentioned Officers not having this year received the Salary attached to their Offices. The Council considered the subject and were of opinion that those Officers should be paid according to the rates voted in the last Supply Bill, viz. that of 1865.

The Treasurer.

The Surveyor General.

The Auditor.

The Stipendiary Magistrate at Victoria.

The Harbour Master & Post Master.

and further that the Attorney General should be paid the usual fees for prosecution &c. as sanctioned by the Secretary of State.

2. The Governor brought before Council and caused to be read a letter dated the 19 Sep. 1866, applying for remuneration out of the Fees in the Court of Bankruptcy. The Council were of opinion that the same should be referred for the joint report of the Colonial Secretary and Attorney General, when the Council would be in a better position to consider the question.

The Council then adjourned.

A. E. Kennedy

### Tuesday, the 23rd day of October, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

- 1. The Governor brought before the Council the case of the Volunteer Force. A sum of \$1500 had been placed upon this years Estimates to aid in their support. The Legislative Assembly by their votes in Committee of Supply had granted \$1200, but this grant had not been subsequently confirmed by the passing of an Act. It was however absolutely needed to enable the Corps to be maintained in a state of efficiency, and as he considered it a matter of vital importance to the Colony that this Force should be maintained in an efficient state, he proposed that a grant equal to \$1250 should be made from the General Revenue to the Volunteer Force for the year 1866. The Council concurred in this proposal.
- 2. The Governor placed before Council and caused to be read a letter dated the 22 October 1866 which had been this day received from W. F. Tolmie, the principal local Agent of the Hudsons Bay Company, enclosing a Map of Section XVIII Victoria District, shewing the subdivisions of that Section as constructed by the Hudsons Bay Company. The Map in question was produced. The Council considered it to be a Document emanating entirely from the Hudsons Bay Company, and very necessary as a Record, but not as in anyway binding upon the Crown in respect of boundaries or disposition of property.
- 3. The following Heads of Departments were then introduced.

The Chief Justice.

The Auditor.

The Registrar General of Titles.

The Stipendiary Magistrate, Victoria.

The Sheriff.

The Assessor.

The Superintendent of Police.

Governor Kennedy then announced that he was about to quit the Colony, and that he had summoned them to witness the administration of the necessary oaths to Mr. Young the Colonial Secretary, and Senior Member of the Executive Council, upon whom the Government of the Colony would devolve. The Oath of Allegiance and Oath of Office were then taken by Mr. Young, administered by the Chief Justice. The Chief Justice and the above mentioned Officers then retired.

The Council then bade His Excellency adieu, and adjourned.

William A. G. Young
Officer administering the Govt.

#### Tuesday, the 6th day of November, 1866

- Present: The Officer Administering the Government, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.
- Mr. Edwin James Nesbitt, the Acting Colonial Secretary, took the Oath prescribed for the Members of the Executive Council.
- The Minutes of the last meeting were then read and confirmed.
- His Honor stated that he had summoned the Members to meet to dispose of matters which it was not advisable should be held over.
- A Letter from Messrs. Higgins Long & Co. was read (dated 25 Sep. 66) stating they had signed the contract for printing Government Gazette under a misapprehension of its terms and requesting that the actual cost of the work be allowed which they considered would be covered by \$6 for each number. Council agreed to allow that sum for each issue of Gazette since the date of letter of Messrs. Higgins Long & Co.
- A letter from Mr. Edward Stephens dated the 21 Septr. 1866 was read praying that his trade licence tax as a Surveyor during 1865 be remitted he not having done any business. Decision deferred.
- A letter was read dated 10 Octr. 1866 from the Supt. of Police in Charge of Gaol stating, that several of the cells in the Victoria Prison are unfit for use and forwarding a Medical Certificate to that effect.

Expenditure of \$256 authorized to make them available.

A letter dated 21 Octr. 1866 from James Williamson, Joseph Baker, and others was read offering to excavate ditch at Leech river from the End of the first Survey to Kennedy Flat at 55cts per yard—also the fluming part at 64cts per yard—lumber delivered.

The Council considered it advisable that a sum not exceeding \$700 should be appropriated for the purpose.

A letter from Treasurer was read dated 22 Oct: 1866 reporting that a sum of Money amounting to \$183\frac{45}{100}\$ remains in his hands at the credit of Mr. W. B. Naylor the late Sheriff.

Also a joint letter from Treasurer and the Acting Sheriff dated 1st Nov. 66 requesting instructions in reference to a sum of  $$397^{45}/_{100}$  left by the late Sheriff in the custody of Mr. Godfrey Brown.

Letters ordered to be sent to Acting Sheriff with request that he will state if he knows ought of the matter—

A letter from the Treasurer to the Acting Registrar of the Sup. Court dated 26 Oct. 1866 was read requesting to be informed if he had collected any Fines of Court since 28 August last and if so how they had been disposed of to which it was replied that the Acting Registrar had acted under instructions from His Honor the Chief Justice and not paid moneys received into Treasury.

Action deferred until Governor Seymour assumes the Government.

A letter from the Superintendent of Education was read dated 5 Nov. 1866 forwarding an account of Messrs. Hibben & Carswell for \$326.75 for Books procured by them for Board of Education.

Under circumstances stated account authorized to be paid.

The Council then adjourned.

William A. G. Young

#### Monday, the 19th day of November, 1866

Present: The Officer administering the Government, The Acting Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last meeting read and confirmed.

His Honor stated to the Council that he had called the Members together to give them Official and formal intimation that at noon today the British Columbia Act, 1866, would be publicly proclaimed and published at New Westminster, and that as thereupon this Colony of Vancouver Island would become united to that of British Columbia the separate Government and the power of the Executive in Vancouver Island would cease and determine. His Honor further stated that he had received a communication from the Governor of British Columbia enclosing a copy of the Proclamation and requesting that the same might be published at noon in the City of Victoria and that he in consequence proposed to direct the Sheriff of Vancouver Island to make formal publication of the same at that hour accordingly. His Honor also stated that as the Chief Justice was not a Member of that Council and as the Legislature was not in Session he had addressed a special letter to him enclosing a copy of the Proclamation and acquainting him that the same would be published at noon.

His Honor further informed the Council that as time did not permit a reference to them he had caused a circular letter to be addressed to the Heads of Departments directing them to close their accounts with the Treasury before 3 P.M. today so that as far as possible all outstanding claims might be settled.

The Council fully concurred in these proceedings.

The Council then adjourned.

William A. G. Young

# **JOURNALS**

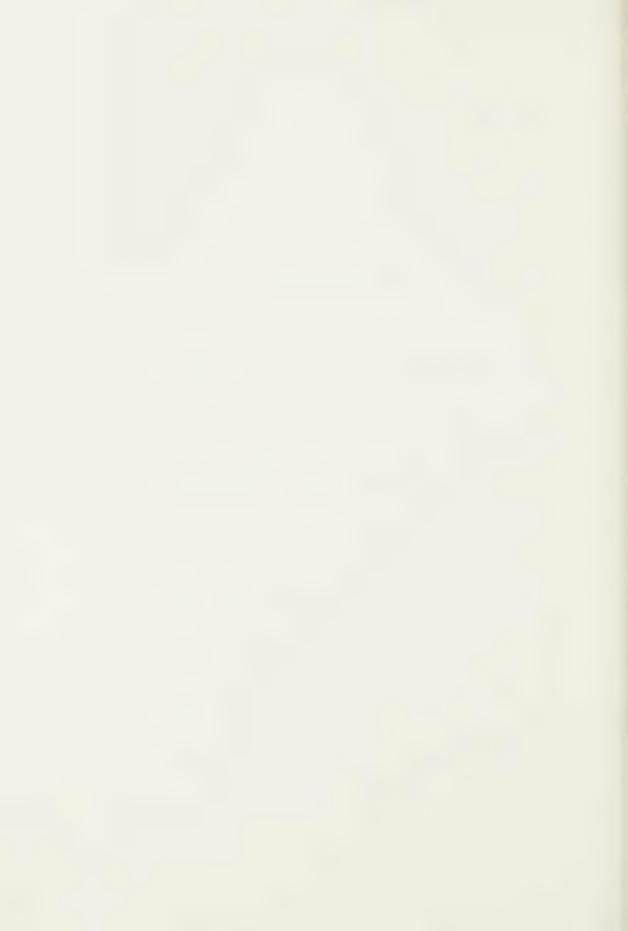
OF THE

# LEGISLATIVE COUNCIL

OF THE COLONY OF

# VANCOUVER ISLAND

3 SEPTEMBER 1863 to 1 SEPTEMBER 1866

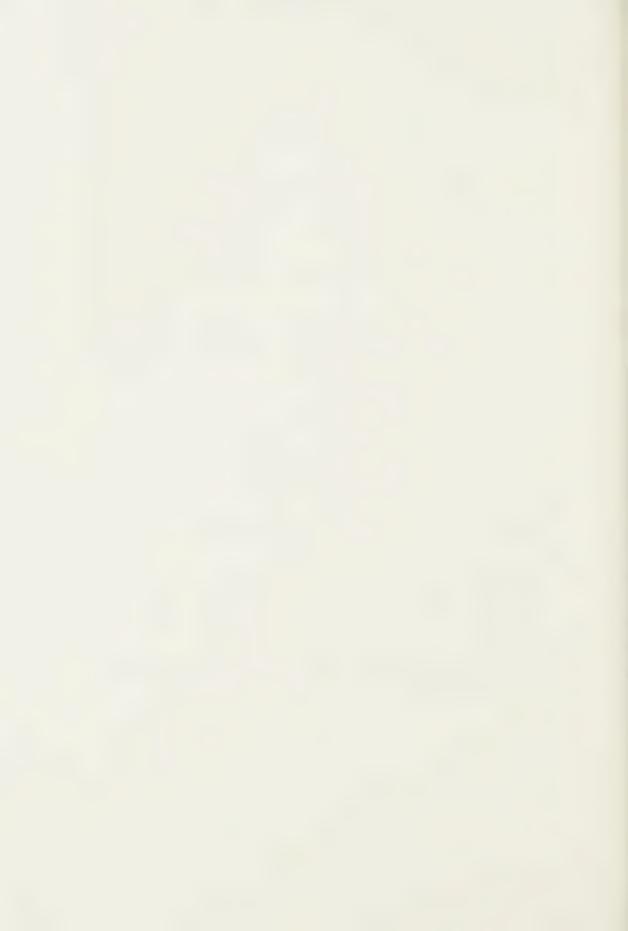


# MEMBERS OF THE LEGISLATIVE COUNCIL OF VANCOUVER ISLAND

#### 1863-1866

CHIEF JUSTICE AND PRESIDENT	First Sitting	Last Sitting
David Cameron	3 Sept. 1863	7 July 1865
Joseph Needham	29 Nov. 1865	1 Sept. 1866
Attorney General		
David Babington Ring (Acting)	3 Sept. 1863	2 Oct. 1863
George Hunter Cary		
Thomas Lett Wood (Acting)*	25 Aug. 1864	1 Sept. 1866
Treasurer		
Alexander Watson	3 Sept. 1863	1 Sept. 1866
Surveyor General		
Benjamin William Pearse (Acting)	27 Oct. 1863	21 Mar. 1864
Joseph Despard Pemberton		
Benjamin William Pearse (Acting)*	11 Oct. 1864	1 Sept. 1866
Colonial Secretary		
Henry P. Wakeford (Acting)	23 Aug. 1864	27 June 1865
William Alexander George Young		
Councillors		
Roderick Finlayson	3 Sept. 1863	30 Aug. 1866
Alfred John Langley		~
Donald Fraser		24 July 1866
Henry Rhodes	20 Aug. 1864	1 Sept. 1866

<sup>\*</sup>The Colonial Office did not confirm the appointments of Wood as Attorney General and Pearse as Surveyor General in 1864 following the House of Assembly's refusal to vote a permanent civil list. Nevertheless, in the minutes that follow the clerk does not always identify the positions of Attorney General and Surveyor General as acting appointments.



# MINUTES OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VANCOUVER ISLAND

### Thursday, the 3rd day of September, 1863

The Council met this day at noon pursuant to notification by the Chief Justice.

Present: The Chief Justice, The Acting Attorney General, The Treasurer, Hons. Roderick Finlayson, Alfred J. Langley.

The following Instructions from His Excellency The Governor constituting the Executive and Legislative Council was read and ordered to be entered on the Minutes:

Vancouver's Island. Victoria, 15th July, 1863.

Whereas, by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date the 8th day of October, in the Twenty sixth year of Her Majesty's Reign, addressed to James Douglas, Esquire, Companion of the Most Honorable Order of the Bath, Governor and Commander in Chief in and over the Island of Vancouver and its Dependencies, Her Majesty hath declared her pleasure to be that there shall henceforth be established within the said Island two distinct and separate Councils to be respectively called the Executive Council and Legislative Council of the said Island, to consist of such and so many Members as shall from time to time for that purpose be nominated and appointed by Her Majesty under Her Sign Manual and Signet or as shall be provisionally appointed by The Governor as aforesaid until Her Majesty's pleasure therein shall be known in conformity with any instructions which the said Governor may from time to time receive from Her Majesty under the Royal Sign Manual and signet.

And whereas, by Her Majesty's Instruction under Her Royal Sign Manual and Signet dated the 8th day of October, 1862, the following Officers are appointed and nominated to be, during Her Majesty's pleasure, Members of the Executive Council of the said Island, that is to say; The Colonial Secretary for the said Island, The Attorney General for the said Island, The Treasurer for the said Island, The Surveyor General for the said Island, or the persons for the time being lawfully discharging the functions of such Colonial Secretary, Attorney General, Treasurer and Surveyor General.

And whereas, by the Instructions aforesaid the following officers are nominated and appointed to be during Her Majesty's pleasure, Members of the Legislative Council of the said Island, that is to say; The Chief Justice, The Colonial Secretary for the said Island, The Attorney General for the said Island, The Treasurer for the said Island, The Surveyor General for the said Island, or the persons for the time being lawfully discharging the functions of Chief Justice, Colonial Secretary, Attorney General, Treasurer and Surveyor General together with such other persons being residents within the said Island as are now Members of the Council constituted by Her Majesty's Commission addressed to the aforesaid James Douglas, bearing date the 16th day of May A.D. 1851 or as may hereafter be appointed by Her Majesty by any instrument under Her Royal Sign Manual and Signet, or as may be provisionally appointed by the Governor aforesaid, until Her Majesty's pleasure therein shall be known

Provided that every such officer or person who shall be elected to be a Member of the General Assembly of the said Island shall upon taking his seat therein cease to be a Member of the said Legislative Council; but every such person having an official seat in the said Council shall again become a Member of the said Council on ceasing to be a Member of the General Assembly; and provided also, that the

number of unofficial Members of the said Council shall not by any such provisional appointment as aforesaid be raised above the number of four.

Now these are to notify and declare, that in conformity with and under the authorities before recited the undermentioned officers and persons have been appointed and constituted to be Members of the Executive Council of Vancouver's Island: William Alexander George Young—Acting Colonial Secretary, George Hunter Cary—Attorney General, Alexander Watson—Treasurer, Joseph Despard Pemberton—Surveyor General.

And that the following officers and persons have been appointed and constituted under the provisions aforesaid to be Members of the Legislative Council of Vancouver's Island: David Cameron—Chief Justice, Alexander Watson—Treasurer, Joseph Despard Pemberton—Surveyor General, Roderick Finlayson, Donald Fraser, Alfred James [John] Langley.

By His Excellency's Command.

(signed) William A. G. Young Acting Colonial Secretary.

Victoria. 15th July 1863

In reference to the foregoing Minute, His Excellency the Governor has, in the absence from the Colony on leave of the Attorney General provisionally appointed David Babington Ring, Acting Attorney General, to be ex officio a Member of the Executive and Legislative Councils of Vancouver's Island.

By His Excellency's Command.

(sd.) William A. G. Young Acting Colonial Secretary.

David Cameron, Esquire, David Babington Ring, Esquire, Alexander Watson, Esquire, Roderick Finlayson Esquire, and Alfred James Langley Esquire having taken the oaths of allegiance the Members of Council then accompanied His Excellency to the House of Assembly for the purpose of opening Parliament.

His Excellency delivered the following Speech.

Honourable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:

In opening the Third General Assembly of Vancouver Island I have great pleasure in observing that among the events of national importance which have marked the period since the last meeting of Parliament none have excited a more general degree of Public interest than the marriage of His Royal Highness the Prince of Wales; that event has called forth expressions of the warmest sympathy and attachment from every part of the Empire and I regret that you have not had an opportunity since that auspicious occasion, so intimately connected with the happiness of our Sovereign and Her Family of manifesting in your public character the loyalty and devotion of this Colony.

I shall soon lay before you a copy of a Communication which I lately received from Her Majesty's Principal Secretary of State for the Colonies containing proposals on the part of the Atlantic and Pacific Transit and Telegraph Companies for establishing Telegraphic and Postal Communications between British Columbia and the head of Lake Superior, and also of the answer returned by Her Majesty's Government to these proposals. By this contemplated arrangement it is proposed that Canada Vancouver Island and British Columbia shall guarantee to the Company a profit on capital expended at the rate of not less than Four per cent nor more than Five per cent per annum it being however provided that the total annual payment to be made by Vancouver Island and British Columbia shall in no case exceed the sum of £12,500 to be borne if necessary by the respective Colonies as may be agreed upon.

I have to recommend this project to your favourable consideration as the conditions are not unreasonable considering the magnitude of the undertaking and the advantages which this Colony will reap from the faithful execution of the enterprise. Before concluding any arrangement on the terms proposed it should however be stipulated as an express condition of the guarantee that the Telegraph and Postal communication shall be extended to Vancouver Island.

I will also cause to be laid before you a Despatch¹ containing the decision of Her Majesty's Government with reference to the form of Government which is to be adopted in the Colonies of British Columbia and Vancouver Island, a measure which will be carried into effect and the Colonies be placed under different Governor's so soon as the proper financial arrangements are made for the permanent support of the Government.

Her Majesty's Government are of opinion that a permanent Act of the Legislature should be passed securing to the principal Officers of the Government salaries at the rates suggested in the aforesaid Despatch and also that the initiation of all money votes should be secured to the Government. When this is done Her Majesty's Government will be prepared to hold the Crown Revenue of Vancouver Island at the disposal of the Legislature of the Colony retaining only such temporary power over the land as will enable Her Majesty's Government to close its transactions with the Hudson Bay Company. When this is effected Her Majesty's Government will be ready to transfer the management of the Revenue to the Colonial Legislature.

In concluding this subject I desire to call the attention of the Legislature to the opinion so impressively given in this Despatch by the able Statesman at the head of the Colonial Department in favour of a union of the Colonies under one Government—an opinion which comes with the weight of a wide experience in the workings of Colonial Institutions and which will I trust exercise a due influence on your deliberations.

I have great satisfaction in stating that the Native Indian Tribes continue to evince a friendly disposition and that nothing has occurred to disturb the peace of the outlying Settlements which will be protected as heretofore by the occasional visits of Her Majesty's Ships.

I have to congratulate you, Gentlemen, on the state of the public revenue for the half year ending with the 30th day of June last. You will observe by the Return which will be laid before you a remarkable increase for that period representing a sum more than equal to the whole amount of Revenue collected for the corresponding period of 1862.

The half yearly reports from the Treasurer and Harbour Master which I have had prepared for your information will exhibit that and other important facts connected with the trade and financial condition of the Colony.

#### Gentlemen of the Legislative Assembly

I will cause to be prepared and in due time submitted to you the Estimates for the year 1864 and in the meantime I have to call your attention to the importance of continuing the improvements of the public roads as recommended by the Road Commissioners and of providing for the exploration of certain Districts where valuable minerals are believed to exist.

Assistance will be asked for carrying these objects into effect and also for establishing elementary schools in Country Districts where the Settlers have at present no means of educating their children. This latter object will not involve a present outlay of more than a few hundred pounds to aid in the erection of Schoolhouses and of suitable residences for the Teachers. The salaries of the Teachers may be provided for as required in the annual Estimates.

Honourable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:

A Bill for restraining the issue of Writs of Capias in the case of actions accruing in a Foreign jurisdiction unless the defendant has been resident in the Colony for a term of 30 days and also a Bill to alter and amend the Act for incorpo-

<sup>&</sup>lt;sup>1</sup> Newcastle to Douglas, June 15, 1863, British Columbia, Governor, Despatches from London, PABC.

rating the Town of Victoria and a Bill to legalize the collection of small debts and to reduce the costs and modify the present procedure will with measures be introduced and submitted in the course of the Session for your consideration.

It being desirable that the fire Department of Victoria should be placed under the control of the Mayor and Corporation and that the Members of this Institution for their valuable and efficient Services should be exempted from doing duty on Juries measures having these objects in view will be submitted to you.

In the settlement of all these matters for the prosperity and happiness of the Colony much must depend upon your wisdom and foresight and in conclusion I can but express the fervent hope that the blessing of the Almighty may rest upon your labours.

Mr. Ring gave notice that on Monday the 7th Instant he would move that an Address be presented to His Excellency in answer to the Speech.

The Council then adjourned until Friday the 4th Instant at one O'clock.

#### Friday, the 4th day of September, 1863

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Attorney General—(Acting), The Treasurer, Hon. Alfred J. Langley.

The Minutes of the last Meeting having been read and confirmed.

The Chief Justice moved that a Committee on Standing Orders be appointed of the following Members—The Acting Attorney General, The Treasurer, Alfred J. Langley, which was agreed to.

The Council then adjourned until Monday the 7th Instant at 8 O'clock.

# Monday, the 7th day of September, 1863

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer.

The Minutes of the last meeting having been read and confirmed.

The Acting Attorney General moved the following Address in reply to His Excellency's Speech at the opening of Parliament which was agreed to and ordered to be placed on the Minutes.

May it please Your Excellency-

We, the Legislative Council of the Colony of Vancouver Island have with much pleasure heard Your Excellency's Speech upon the opening of Parliament.

We most cordially join in Your Excellency's sentiments of Loyalty and attachment to our Sovereign and Her Family and also in your feelings towards His Royal Highness the Prince of Wales upon his recent auspicious marriage.

It gives us great pleasure to receive Your Excellency's assurances of the friendly disposition of the Native Indian Tribes and of the increased financial prosperity of the Colony—and we beg to assure Your Excellency that we shall give our best consideration to the various important topics, and the measures of Legislation for this Colony to which Your Excellency has done us the honor to direct our attention.

The Council then adjourned until Wednesday the 9th Instant at 2 O'clock.

#### Wednesday, the 9th day of September, 1863

A quorum of Members not being present there was no meeting.

#### Wednesday, the 15th [16th] day of September, 1863

The Council met this day at one O'clock P.M.

Present: The Chief Justice, The Acting Attorney General, Alexander Watson. The Council having waited upon His Excellency and delivered the Address in reply to His Excellency's Speech.

Adjourned until Friday the 18th Instant.

#### Wednesday, the 30th day of September, 1863

Present: The Chief Justice, The Acting Attorney General, and The Treasurer.

The Minutes of the last meeting having been read and confirmed the Council agreed to present an Address of congratulation to His Royal Highness The Prince of Wales on the event of His marriage—and the following Members were nominated as a Committee to draft an Address accordingly—The Attorney General, The Treasurer, and Donald Fraser.

A Communication was received from The Chief Justice transmitting a copy of the General Order in Bankruptcy dated the 10th day of July last.

The Council then adjourned until Friday the 2nd Instant [proximo] at two O'clock.

### Friday, the 2nd day of October, 1863

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Attorney General, The Treasurer.

The Minutes of the last meeting having been read and confirmed the Council adjourned until Tuesday next the 6th instant at Two O'clock.

# Wednesday, the 14th day of October, 1863

The Council met this day pursuant to a notice by the President.

Present: The Chief Justice, The Attorney General, The Treasurer.

The Attorney General having taken the Oath of Allegiance.

The Committee appointed to draft an Address to His Royal Highness the Prince of Wales reported an Address as follows;

To His Royal Highness The Prince of Wales &c. &c. &c.

We the Legislative Council of Vancouver Island in Parliament assembled desire to approach Your Royal Highness on the occasion of the marriage of Your Royal Highness with Her Royal Highness The Princess Alexandra of Denmark to mingle our Congratulations with those of Her Majesty's loving subjects throughout the Empire and our Humble prayers that this felicitous union may be accompanied by the blessings of the Almighty.

which was agreed to and ordered to be transmitted to the Governor with a request that it shall be sent to the Secretary of State.

The Council thereupon adjourned until Friday the 16th Instant at 2 O'clock.

#### Wednesday, the 20th [21st] day of October, 1863

The Council met this day at two O'clock pursuant to a notice by the President.

Present: The Chief Justice, The Attorney General, and The Treasurer.

The Minutes of the last meeting having been read & confirmed.

A Communication was received from the Clerk of the House of Assembly transmitting an "Act to provide for the Election of a Mayor and Councillors for the City of Victoria at the expiration of the period for which the present Mayor and Councillors are elected" which was read a first time, and the Standing orders having been suspended the Bill was read a Second time and referred to Committee.

The Council then adjourned until Friday next at 2 O'clock.

### Tuesday, the 27th day of October, 1863

The Council met this day at two O'clock pursuant to a Notice by the President.

Present: The Chief Justice, The Treasurer, and The Acting Surveyor General.

The Minutes of the meeting of 20th October having been read and agreed to.

- B. W. Pearse, Esquire, was thereupon sworn and took his seat as the Acting Surveyor General.
- "An Act to provide for the election of a Mayor and Councillors for the City of Victoria at the expiration of the period for which the present Mayor and Councillors are elected" was amended in Committee as follows—

Section First—The word "ninth" was struck out and the word "Sixth" was inserted in lieu thereof.

The Bill was then read a third time and passed.

The Council then adjourned until Friday the 30th at two O'clock.

### Tuesday, the 17th day of November, 1863

The Council met this day at two O'clock pursuant to a Notice by The President.

- Present: The Attorney General, The Treasurer, The Acting Surveyor General.

  The Minutes of the last meeting having been read and confirmed.
- A Communication was received from the Speaker of the House of Assembly dated the 28th October enclosed in a despatch from the Colonial Secretary dated the 7th November asking that the House of Assembly may be informed when B. W. Pearse, Esquire, Acting Surveyor General was sworn in as a Member of the Legislative Council—stating the day, hour and minute and by whom he was sworn in.

Whereupon it was agreed that the Communication be laid on the table for the purpose of searching for precedents.

A Communication was received from The Treasurer calling for a detailed estimate of the probable expenditure of the Legislative Council for the year 1864 and the Clerk was instructed to transmit the following Estimate—

Salary of Clerk	\$500.
Office contingencies	100.
Total	\$600

- A Bill entitled "An Act respecting Barristers and Attornies at Law" was received from the House of Assembly and read a first time.
- A Bill entituled An Act to repeal the "Vancouver Island Stamp Act 1862" was ordered to be laid on the table.
- The Clerk was instructed to prepare a copy of the Act respecting Barristers and Attornies.

The Council then adjourned until Friday at three O'clock.

### Monday, the 30th day of November, 1863

The Council met this day, pursuant to a Notice by the President, at half past two O'clock.

Present: The Chief Justice, The Attorney General, The Treasurer, and The Acting Surveyor General.

The Minutes of the last Meeting having been read and agreed to.

- A Bill entituled "An Act to restrain the issue in certain cases of 'Writs of Capias ad respondendum' and 'in exeat regno'."
- A Bill entituled "An Act to enable the Districts of Cowichan, Comox and Alberni to elect Members to the House of Assembly" and A Bill entitled "An Act to

- establish Pilots for the Port of Victoria" were received from the House of Assembly and read a first time.
- A Bill entitled "An Act respecting Barristers and Attorneys at Law" was read a Second time.
- The Clerk was instructed to acknowledge the receipt of a Despatch from the Colonial Secretary dated 7th November 1863 transmitting copy of a Communication from the Honble. the Speaker of the House of Assembly dated the 28th October, 1863, and to acquaint the Honble. the Colonial Secretary, for the information of His Excellency The Governor that the said Communication has been laid on the Table for the purpose of searching for precedents.
- The Acting Surveyor General gave notice that at the next meeting he should introduce A Bill to amend the "Road Act, 1860," and A Bill to amend the Act for the protection of Wooden Bridges.

The Council thereupon adjourned until Thursday the 3rd Instant at Three O'clock.

#### Thursday, the 10th day of December, 1863

The Council met this day pursuant to a notice by The President.

Present: The Chief Justice, The Attorney General, The Acting Surveyor General.

- The Council went into Committee on "A Bill respecting Barristers and Attornies" and reported progress.
- It was proposed that the Bill to restrain the issue in certain cases of Writs of "Capias ad respondendum" and "in exeat regno" be read a 2nd time; to which it was proposed and passed that the Bill be read this day six months.

  Amendment carried.
- A Bill entitled "An Act to enable the Districts of Cowichan, Comox and Alberni to elect Members to the House of Assembly"—was read a 2nd time.

The Pilot Bill was read a 2nd time.

- A Bill to amend An Act for the protection of the Wooden Bridges of the Colony of Vancouver Island and its Dependencies was read a first time.
- A Bill to amend an Act to repeal and amend the laws affecting the repairs improvement and regulation of roads in Vancouver Island and its Dependencies was read a first time.
- A Bill entitled An Act to alter and amend the Fireman's protection Act 1861 was read a first time.
- A Bill entitled An Act to amend An Act to provide for the administration of Oaths in the House of Assembly—was read a first time.
- The Council then adjourned until Wednesday the 16th December at 2.30 P.M.

#### Wednesday, the 16th day of December, 1863

The Council met this day at 2.30 pursuant to adjournment.

Present: The Treasurer, The Acting Surveyor General, Honble. R. Finlayson.

The Minutes of the last Meeting having been read and agreed to.

- A Communication was received from Mr. Hanson Secretary of the Fire Department, was read and ordered to be laid on the table for further consideration.
- A Bill entitled An Act to enable the Districts of Cowichan Comox and Alberni to elect Members to the House of Assembly was read a third time and passed.
- A Bill entitled "An Act to amend An Act entitled An Act for the protection of the Wooden Bridges in Vancouver Island and its Dependencies" was read a 2nd time.

The Council then adjourned until Thursday the 17th Instant at 2 O'clock.

#### Thursday, the 17th day of December, 1863

The Council met this day pursuant to adjournment.

- Present: The Treasurer, The Acting Surveyor General, The Hon. R. Finlayson.

  The Minutes of the last Meeting having been read and agreed to.
- A Bill entitled "An Act to amend an Act entitled An Act for the protection of the Wooden Bridges in Vancouver Island and its Dependencies" was read a third time and passed.

A Bill entitled "An Act to amend the Bill of Sale Act, 1861" was read a first time. The Council then adjourned until Tuesday the 22nd Instant at 2 O'clock.

# Tuesday, the 22nd day of December, 1863

The Council met this day pursuant to adjournment.

Present: The Attorney General, The Treasurer, and The Acting Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The Standing orders were suspended and a "Bill to provide an Indemnity for the Mayor and Councillors of the City of Victoria" was read a First, Second and Third time and passed.

The Council thereupon adjourned until the 3rd January at 2 O'clock.

### Tuesday, the 11th [12th] day of January, 1864

The Council met this day at Two O'clock pursuant to a notice by the President.

Present: The Attorney General, The Treasurer, The Acting Surveyor General—and The Honble. R. Finlayson.

The Minutes of the last Meeting having been read and agreed to.

- A Bill entitled "An Act for the relief of John Copland" was read a first time.
- A Bill entitled "An Act to incorporate the Chamber of Commerce of Victoria Vancouver Island" was read a first time.
- A Bill entitled "The Victoria Pilot Act, 1863" was amended in Committee as follows—
  - Clause 2. "A" be substituted for "any" before the words "Justice of the Peace."
  - Clause 9. Amendment proposed in lieu of the words "Between Victoria and the Race Rocks" the words following "Between Victoria and the entrance of Sooke Harbour". Amendment carried.
  - Clause 12. Amendment proposed and carried by striking out the words "in either of which cases" and inserting the words "in which case."
  - Clause 13. After the word "food" amend the clause by adding the words "during such detention."
  - Clause 14. Amendment proposed and carried after the words "hail her" insert "whilst sailing east of a line drawn due South from the entrance of Sooke Harbour to the mainland of Washington Territory and west of a line drawn due South from Trial Island to the said mainland"—in lieu of the words "within a straight line drawn from William Head to Trial Island."
  - Clause 15. Amendment proposed and carried that the words "or the Master shall afterwards take another pilot the licensed pilot who first offered" be omitted and in lieu thereof the words "and there appear no reasonable cause for the master so declining to accept such services the licensed pilot so first hailing shall be paid half pilotage whilst sailing east of a line drawn due south from the Entrance of Sooke Harbour to the mainland of Washington Territory and west of a line drawn due South between Trial Island and the said mainland."

The Council then adjourned until Thursday the 13th [14th] Instant at 2.30.

# Wednesday, the 20th day of January, 1864

The Council met this day at half past two O'clock pursuant to a notice by the President.

Present: The Chief Justice, The Treasurer, The Acting Surveyor General, & The Honble. R. Finlayson.

The Minutes of last Meeting having been read and agreed to, the Council, in Committee, resumed the amendment of the Pilot Bill. The Attorney General in the Chair.

Clause 17. Strike out the word "twelve" and insert "six" hours.

" 19. Strike out the words "and all vessels coming from" and insert "or" in their place. Strike out the words "carrying regular mails."

Clause 20. Struck out.

,, 21. Chairman's notes don't state where Amendt. comes in.<sup>2</sup>

Whereupon the Committee rose and reported progress & asked leave to sit again and the Council adjourned until Friday the 22nd Instant at 2.30 O'clock.

### Friday, the 22nd day of January, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer, Hons. R. Finlayson, A. J. Langley.

The Minutes of the last meeting having been read and agreed to.

- The Honble. R. Finlayson presented a Petition referring to A Bill entitled "An Act respecting Barristers and Attornies at Law."
- The Council thereupon resumed the consideration of the Pilot Bill in Committee.

Clause 22. To stand for further consideration.

- " 23. Amendment to strike out the words from "constituted" to the end and amend the clause by adding the words "paid to the Treasurer by the person receiving the same to the use of Her Majesty her heirs and successors."
- Clause 24. Strike out the words "all the navigable" to the word "provided" and insert the words the Harbour of Victoria and Esquimalt.

Clause 25. Struck out.

., 26. Carried.

Moved by The Hon. A. J. Langley that the Committee do now report progress and ask leave to sit again.

Progress reported and leave granted.

The Council then adjourned sine die.

<sup>&</sup>lt;sup>2</sup> This phrase was added later in pencil.

#### Tuesday, the 26th day of January, 1864

The Council met this day pursuant to a notice by the President.

Present: The Chief Justice, The Attorney General, The Treasurer, Hon. R. Finlayson.

The Minutes of the last meeting having been read and agreed to the Council resumed the consideration of the Pilot Bill in Committee.

The Chief Justice moved that the Committee do now report progress and ask leave to sit again.

Progress reported and leave granted.

The Clerk was instructed to engross the Pilot Bill by the next Meeting.

The Council thereupon adjourned till Friday the 29th Instant.

#### Friday, the 29th day of January, 1864

The Council met this day at half past two O'clock pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer, The Acting Surveyor General, and The Honble. R. Finlayson.

The Minutes of the last Meeting having been read and confirmed.

The Council resumed the consideration of the Pilot Bill in Committee.

The Chief Justice proposed that the Committee report the Bill as amended—which was agreed to.

The Pilot Bill was then read a 3rd time and passed.

A Bill entitled a "Bill for the relief of John Copland" was brought up for a second reading.

Mr. Finlayson moved that the Bill be read a 2nd time.

The Attorney General moved that the Bill be read this day six months. 2nded by the Acting Surveyor General.

The Amendment was then put and carried the Chief Justice and Mr. Finlayson dissenting.

The Council then adjourned sine die.

### Wednesday, the 17th day of February, 1864

The Council met this day at Two O'clock pursuant to a Notice by The President.

Present: The Chief Justice, The Attorney General, The Treasurer, & Acting Surveyor General.

The Minutes of last Meeting having been read and agreed to.

- A Bill entitled "An Act to prevent the unauthorized issue of Bank Notes and paper currency" was read a first time.
- A Bill entitled "An Act to alter and amend the Fireman's protection Act 1861" was read a 2nd time.
- A Bill entitled "An Act to amend An Act to provide for the administration of Oaths in the House of Assembly" was brought up for a 2nd reading.

Proposed by the Acting Surveyor General—Seconded by the Treasurer and carried—that the Bill be read this day six months.

- A Bill entitled "An Act to amend the Bills of Sale Act 1861" was brought up for a Second reading and was ordered to be read this day six months—nem. con.
- An Act to repeal and amend the laws affecting the repair, improvement, and regulation of Roads in Vancouver Island and its Dependencies" was read a 2nd time.
- The Chief Justice gave notice that at the next meeting he should introduce An Act to amend the "Land Registry Act 1860," and "An Act to provide for a declaration of title."

The Council then adjourned until Wednesday the 24th of February at 2 O'clock.

#### Wednesday, the 24th day of February, 1864

The Council met this day at two O'clock pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer, and The Acting Surveyor General.

The Minutes of the last meeting having been read and agreed to.

A Communication was received from the House of Assembly transmitting the "Pilot Bill" with Amendments. The Council in Committee of the whole considered the amendments and it was resolved—

That the Council adheres to the Amendment by way of erasure of section Twenty: is willing to re-introduce section Seventeen with certain amendments.

- 1. Before the words "a master requiring" add the word "If".
- 2. Strike out the word "requiring" and insert the word "require."
- 3. Between the words "a" and "Pilot" add the word "licensed."
- 4. In the 3rd line of said clause between the words Victoria and shall insert the word "he."

And on these terms, the Council accedes to the amendments suggested by the House of Assembly.

The Clerk was directed to intimate the aforesaid resolutions to the Speaker of the House of Assembly, and also, should the House of Assembly desire a conference with the Council with respect to the Pilot Bill and will name a day for holding the same, the Council will make arrangements to receive them.

The "Bank Note Bill 1864" was read a second time and referred to Committee.

Whereupon the Council adjourned sine die.

#### Wednesday, the 9th day of March, 1864

The Council met this day pursuant to a notice by The President.

Present: The Chief Justice, The Treasurer, Hon. R. Finlayson.

The Minutes of the last Meeting having been read and agreed to.

- A Communication from the Governor was read enclosing a Map shewing the line of demarcation between this Colony British Columbia and the United States of America.
- A Communication from the Legislative Assembly was read transmitting A Bill entitled "An Act to apply the sum of Two Hundred and Fifty Seven Thousand two Hundred and Seventy nine Dollars and fifty Cents out of the General Revenue of the Colony of Vancouver's Island and its Dependencies to the service of the year one Thousand eight hundred and sixty four."

Bill read 1st time.

- A further Communication from the House was read transmitting the Chief Justice Pension Bill, 1864, and "The Governor's Indemnity Bill, 1864."
- A letter was received from the Honorary Secretary to the Committee of Management for the reception of Governor Kennedy inviting the President and Members of Council to take a part in the Ceremony of the Day.

The Treasurer moved that the Clerk be requested to inform the Committee that the Council will take a part in the Ceremony of the Day.

The Chief Justice pursuant to notice introduced A Bill to amend the "Land Registry Act, 1860," and A Bill to obtain a declaration of Title, which were read a 1st time.

The "Banking Bill 1864" was received from the House and read a 1st time.

Council adjourned sine die.

Standing orders suspended. Stamp Bill read a 2 & 3 time & passed.

### Thursday, the 10th day of March, 1864

The Council met this day at  $\frac{1}{2}$  past one Oclock pursuant to a Notice by the President.

Present: The Chief Justice, The Treasurer, The Acting Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The Standing Orders of the Council were suspended and the Supply Bill of  $$257,279^5\%_{100}$  was read a 2nd and 3rd time and passed.

"The Governor's Indemnity Bill" passed a 2nd and 3rd reading.

The Chief Justice's Pension Bill was read a 2nd & 3rd time.

The Banking Bill was read a 2nd time.

On motion of the Treasurer it was ordered that all Bills brought before the Council be printed for the use of the Members.

Council adjourned sine die.

#### Saturday, the 12th day of March, 1864

The Council met this day pursuant to a notice by the President.

Present: The Chief Justice, The Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting having been read and agreed to.

The Treasurer moved that the following Address be presented to His Excellency
The Governor on his retirement from the Government of this Colony—

To His Excellency Sir James Douglas, K.C.B. Governor and Commander in Chief in and over the Colony of Vancouver's Island and its Dependencies &c. &c. &c.

May it please Your Excellency-

We, the Members of the Legislative Council of Vancouver Island in prospect of Your Excellency's retirement from the high office which Your Excellency has so long and honorably filled, desire to express our high estimation of the policy which has guided Your Excellency in originating and administering the Government of this Colony; of your noble appreciation of the duties and responsibilities devolving upon the Representative of Our Most Gracious Queen, and of the moral qualities which have adorned your actions and endeared you to the people of Vancouver Island. That Your Excellency may long live to enjoy the approbation of Our Most Gracious Sovereign and the esteem and respect of every Colonist is the prayer of each Member of the Council.

The Address was unanimously agreed to.

Mr. Cary moved that he would introduce certain Standing Orders for the Council.

The Standing Orders of the Council having been suspended, "The Telegraph Bill, 1864" was read a 2nd time and considered in Committee.

The Committee reported the Bill without amendments and The Bill was then read a 3rd time and passed.

Council then adjourned sine die.

# Monday, the 21st day of March, 1864

The Council met this day pursuant to adjournment (2 O'clock).

Present: The Chief Justice, The Treasurer, The Surveyor General, Hon. R. Finlayson.

The Minutes of the last Meeting having been read and confirmed.

The Chief Justice moved the following Address to His Excellency The Governor on his assumption of the Government of the Colony of Vancouver Island and its Dependencies.

To His Excellency Arthur Edward Kennedy, Esquire, C.B. Governor and Commander in Chief of the Colony of Vancouver Island and its Dependencies—&c. &c. &c.

May it please Your Excellency-

We, the Members of the Legislative Council of Vancouver Island in Parliament assembled, desire to congratulate Your Excellency upon assuming the Government of this Colony.

We humbly trust that the dignity and the virtues of Our Most Gracious Sovereign, as reflected in your person, may strengthen and stimulate feelings of attachment in the people of Vancouver Island so that the demonstrations of loyalty upon this Your Excellency's advent, may continue unabated throughout Your Excellency's Administration.

And we feel assured that Your experience in other portions of Her Majesty's Dominions will enable you to guide the affairs of this Young Colony so as to ensure a rapid advance in material wealth and importance.

The Address having been unanimously adopted the Council adjourned till Thursday next the 24th Instant.

#### Thursday, the 24th day of March, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Treasurer, The Hon. R. Finlayson.

The Minutes of the last Meeting having been read and confirmed.

- A Communication was read from the House forwarding A Bill Entitled "An Act to apply the sum of Twenty six thousand Dollars out of the General Revenue of the Colony of Vancouver's Island and its Dependencies to the service of the year 1864."
- A Communication from the House was read transmitting a Bill entitled "An Act for the regulation of the Electric Telegraphs within the Colony of Vancouver Island, and to secure secrecy and fidelity in the transmission of Telegraphic Messages."

Bill read a 1st time.

The Council then went into Committee on the Bank Note Bill.

Mr. Finlayson in the Chair.

The President resumed the Chair and the Bill was reported complete with amendments and ordered to be engrossed and brought up for a 3rd reading.

The Council then went into Committee on the Barristers and Attorneys Bill.

Mr. Watson in the Chair.

The President resumed the Chair and the Bill was reported complete with amendments and ordered to be brought up for a 3rd reading.

The Council then adjourned till Wednesday next at 2 O'clock.

#### Wednesday, the 30th day of March, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Attorney General, & The Treasurer.

The Minutes of the last meeting having been agreed to.

The Attorney General moved that the Barristers and Attorneys Bill be recommitted at the next meeting.

Seconded by The Treasurer, and carried.

The Clerk was instructed to ascertain when His Excellency The Governor would receive the Address of the Council.

The Clerk was instructed to request that His Excellency The Governor be pleased to give the Council a copy of His Excellency's Instructions as Governor of this Colony.

The Telegraph regulation Bill was read a 2nd time.

The Supply Bill of Twenty Six Thousand Dollars was read a 2nd time.

The Council then went into Committee on the Firemans protection Bill.

The Treasurer in the Chair.

The President resumed the Chair and the Committee reported progress and asked leave to sit again.

Council adjourned till 1 O'clock tomorrow.

# Friday, the 1st day of April, 1864

The Council met at 1 P.M.

Present: The Chief Justice, The Attorney General, The Treasurer, Mr. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Council proceeded to Government House and delivered the Congratulatory Address as adopted by the Council on the 21st ultimo.

The President nominated the Attorney General as a Member of the Committee on Standing Orders in the place of the Acting Attorney General.

The Council then adjourned sine die.

# Wednesday, the 6th day of April, 1864

The Council met this day pursuant to a notice by the President.

Present: The Chief Justice, The Treasurer, The Surveyor General, R. Finlayson.

The Surveyor General having taken the Oath of Allegiance.

The Minutes of the last meeting were read and confirmed.

- A Message from the Governor was read transmitting a Despatch from the Secretary of State announcing the pleasing intelligence that on the evening of the 8th January last the Princess of Wales was delivered of a Prince.
- A further Message was read acknowledging the receipt of An Address from the Legislative Council on the occasion of the Prince of Wales' Marriage.

The Supply Bill of Twenty Six Thousand Dollars was read a third time and passed.

The "Bank Note Bill" was read a 3rd time and passed as amended.

The Bill to amend the Land Registry Act 1860 was read a 2nd time.

The Bill to obtain a Declaration of Title was read a 2nd time.

The Standing Orders of the Council having been suspended. The Barristers and Attorneys Bill was recommitted & read a third time and passed as amended.

The Council then adjourned sine die.

#### Monday, the 11th day of April, 1864

The Council met this day at ½ past 2 P.M.

Present: The Chief Justice, The Attorney General, The Surveyor General, The Treasurer.

The Minutes of the last Meeting having been read and confirmed.

The following Communication from the Governor was read.

Vancouver Island— Victoria, 11th April, 1864

To The President and Gentlemen, of the Legislative Council: Gentlemen,

I have the honour to submit the copy of a Resolution of the Legislative Assembly in reply to a Despatch of H.M. Secretary of State for the Colonies dated 15 June 1863.

This Resolution was received by my Predecessor from the Speaker of the House of Assembly and transmitted to the Secretary of State for the Colonies in a Despatch dated 12 February 1864.

It appears to me that a Resolution which involves the repeal of An Act of the Imperial Parliament, and deals with the important question of Union with the Sister Colony, ought to be submitted to Your Honorable Council and so receive the concurrence of both branches of the Legislature before it can be advantageously considered by Her Majesty's Government.

I therefore submit the Resolution herewith for your consideration and opinion.

I have, &c. &c. &c.

(signed) A. E. Kennedy

- The Surveyor General moved that the Governor's Message be acknowledged, that each Member be furnished with a copy of the Message, the Resolution and Clause of the Act of imperial Parliament referring to Union of the Colonies and the consideration postponed to a future appointed day—which was agreed to.
- The Attorney General gave notice of the following motion, That he will protest against the transmission of the Bill entitled An Act respecting Barristers and

Attorneys at Law to the House of Assembly for their consideration of the amendments made therein as the same Bill has not passed the Council in due form.

The Council then went into Committee on the Telegraph Regulation Bill.

The Surveyor General in the Chair.

The President resumed the Chair and the Committee reported progress and asked leave to sit again.

The Council then went into Committee on the Fireman's protection Bill.

The Treasurer in the Chair.

The President resumed the Chair and The Committee reported the Bill complete with amendments.

Bill ordered to be brought up for a third reading.

The Council then adjourned.

David Cameron, President

### Thursday, the 14th day of April, 1864

The Council met this day at 3 P.M.

Present: The Chief Justice, The Attorney General, The Treasurer, Hons. R. Finlayson, Donald Fraser.

The Minutes of the last meeting having been read and agreed to.

The Council went into Committee on the Message from His Excellency The Governor transmitting certain Resolutions of the Legislative Assembly dated the 9th February 1864.

The Chief Justice in the Chair.

The Treasurer gave notice of the following motion—

At the next meeting of the Council I shall introduce a resolution relative to the subject of the resolutions of the House of Assembly transmitted in His Excellency's Despatch of the 11th Instant.

The President having resumed the Chair.

The Committee reported progress and ask leave to sit again.

The Council then adjourned till Monday next the 18th Instant.

David Cameron C.J. President

### Monday, the 18th day of April, 1864

A quorum of Members not being present there was no meeting.

#### Wednesday, the 27th day of April, 1864

The Council met this day pursuant to a Notice by the President.

Present: The Chief Justice, The Attorney General, The Treasurer, The Surveyor General, Hons. R. Finlayson, Donald Fraser.

The Minutes of the last Meeting having been read and agreed to.

The Honourable the Treasurer pursuant to Notice introduced the following Resolutions.

That this House cannot concur in the opinion of the House of Assembly, "that neither the Crown Revenue nor the condition of the General Revenues would justify the acceptation of the proposition of Her Majesty's principal Secretary of State for the Colonies to provide a Civil List amounting to £5,800."

That this House concurs in the opinion of the House of Assembly "that the absolute separation of the Colonies of Vancouver Island and British Columbia could not be otherwise than injurious to both and render their union hereafter more impracticable."

That this House is further of opinion that a complete union of the Administrative and Legislative Establishments of Vancouver Island and British Columbia would be advantageous; that such an Union would not necessarily involve any alteration in the commercial policy of the Colonies—Vancouver Island contributing a proportional Revenue by direct taxes and that by such a disposition of affairs the advantages of an increasing foreign trade arising out of the Free Port System would be secured to the United Colonies.

2nded by the Hon. The Attorney General.

The Council then went into Committee on the Resolutions.

The Chief Justice in the Chair.

The President having resumed the Chair. The Committee reported progress and asked leave to sit again.

Council adjourned till Friday at ½ past 2.

David Cameron C.J. President

### Friday, the 29th day of April, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer, The Surveyor General, Hons. R. Finlayson, Donald Fraser.

The Minutes of the last meeting having been read and agreed to.

The Council resumed the consideration, in Committee, of the Treasurer's Resolutions as brought in at the last meeting of Council.

The Surveyor General moved the following Resolution—

That the Legislative Council of the Colony of Vancouver Island concurs in the Resolution of the House of Assembly dated 9th Decr. 1863.

2nd by Hon. R. Finlayson.

The Surveyor General having obtained leave to withdraw his Resolution. 2nd by Mr. Finlayson, and agreed to, nem. con.

Hon. Donald Fraser moved the following Resolutions as an amendment to those of the Treasurer's.

2nd by Mr. Finlayson.

The Legislative Council of Vancouver Island having taken into serious consideration the copy of the Resolutions of the Honble. The House of Assembly dated February the 9th 1864 submitted to this House for its opinion by His Excellency The Governor, doth resolve—

- 1. To concur in the general tenor of the said Resolutions of the House of Assembly.
- 2. Resolved That this House is of opinion with reference to His Grace The Duke of Newcastle's Despatch of the 15th of June 1863 referred to in the said Resolutions of the House of Assembly asking for a permanent Civil List in return for the control of the Crown Revenue that no nett income can be expected to be derived by The Colony from the public lands which are the only productive source of Crown Revenue, for the following reasons.
  - 1. Because the public land suitable for agriculture is limited in extent.
  - 2. Because the price of such land is now reduced from £1. to four shillings and two pence (4s/2d) per acre and cannot be increased, the reduction having been rendered necessary and expedient to encourage settlement and to meet the competition of low priced land in the neighbouring Countries.
  - 3. Because the amount of money necessary to be paid to Indians to extinguish the Indian Title to portions of the land will absorb a considerable sum of the proceeds of sales thereof;
  - 4. Because the expense of Survey and other incidental charges to which the land will become subject before the proceeds of sales can be realized will absorb the remaining portion of such proceeds.
  - 5. Because by the terms under which the land is held the occupiers (Pre-emptors) are not to be called upon for payment of the land pre-empted until the Crown Lands shall have been first surveyed.
  - 6. Because the revenue of the Colony does not at present afford the means of defraying the expense of a general Survey; and, consequently a considerable period of time, probably many years, must elapse before the purchase prices shall become due.
- 3. Resolved that in the opinion of this House it is inexpedient, at present, to enforce Royalties upon Coal Minerals or Timber, because it is the policy of the Colony to foster these industries which are yet in their infancy and the yield from which is so small as not to justify the imposition: and because such

an imposition might interfere with the principles of free trade hitherto maintained by the Colony successfully.

- 4. Resolved That in the opinion of this House, these sources of Revenue, namely, the Public lands of the Crown and the Crown Royalties, which are productive in most other Colonies do not and cannot be expected to produce any Revenue to this Colony, which is compelled, by its maintenance of a free port system, to the peculiar advantage of English Commerce, to support the Government and to defray the expense of internal improvements by direct taxation already so onerous that it cannot be increased.
- 5. Resolved that in the opinion of this House the offer of His Grace does not afford an equivalent for the Civil List asked.
- 6. Resolved that in the opinion of this House the union of Vancouver Island with British Columbia at a future suitable time would be highly beneficial to both Colonies when such union can be effected on terms by which this Colony can maintain its free port system in tact; and on such other terms as may be equitable and expedient and may be reasonably expected to conduce to the prosperity and greatness of both Countries.
- 7. Resolved that it is the opinion of this House that for the present the interests of both Colonies would be promoted and economy secured by the Government of both being placed under one Governor, and, as far as practicable, with one Civil Staff.

The Committee then rose and reported progress and asked leave to sit again. Council then adjourned to [blank].

David Cameron C.J.
President

# Monday, the 2nd day of May, 1864

The Council met this day at 2 P.M.

Present: Hon. The President, The Attorney General, The Treasurer, The Surveyor General, Hons. R. Finlayson, Donald Fraser.

The Minutes of the last Meeting having been read and confirmed.

The Council resumed the consideration in Committee of Mr. Fraser's resolutions as brought in at the last meeting of the Council. The Chief Justice in the Chair.

Resolution—No. 1. 2nded by Mr. Finlayson and agreed to by the Committee, Mr. Cary and Mr. Watson dissentient.

Mr. Watson with the leave of the Committee withdrew Resolutions No. 2 and No. 3 as brought in by him on the 18th [27th] ultimo.

Resolution No. 2. 2nded by Mr. Pemberton & carried. Mr. Watson dissentient.

Resolution No. 3. Agreed to-Mr. Pemberton not voting.

Resolution No. 4. 2nd by Mr. Finlayson and carried. Mr. Watson objected. 2nd by Mr. Cary.

Resolution No. 5. 2nd by Mr. Finlayson. Mr. Watson dissentient.

Resolution No. 6. Carried. Mr. Cary 2nd.

Resolution No. 7. Agreed to. Mr. Finlayson 2nd. Mr. Cary moved a negative. 2nd by Mr. Watson & lost.

The President having resumed the Chair. The Committee here rose and reported the Resolutions.

Mr. Fraser moved seconded by Mr. Finlayson that the Resolutions be adopted—which was carried.

Council then adjourned till Thursday next at ½ past two O'clock.

David Cameron C.J. President

#### Friday, the 6th day of May, 1864

The Council met this day pursuant [blank].

Present: The Chief Justice, The Attorney General, The Treasurer, Hons. R. Finlayson, Donald Fraser.

The Minutes of the last meeting having been read and confirmed.

- A Message from the Legislative Assembly was read transmitting "A Bill to regulate An Act entituled The Victoria Incorporation Act 1862," which was read a 1st time.
- A Message was read transmitting certain Petitions from property holders praying that their property may not be included within the City limits.

On Motion by Mr. Watson the Petitions were ordered to be referred to the Committee on Standing Orders.

The Fireman's Protection Bill came up for a third reading.

Mr. Finlayson moved that the Bill be recommitted. 2nd by Mr. Fraser and carried.

The Council then adjourned till Monday at ½ past 2 O'clock.

David Cameron C.J. President

# Monday, the 9th day of May, 1864

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Treasurer, Hon. R. Finlayson.

The Minutes of the last Council having been read and agreed to.

A Petition to the Council was read from certain property holders praying that they may not be included in the City limits.

The Council then went into Committee on the Banking Bill.

Mr. Finlayson in the Chair.

The President having resumed the Chair.

The Committee reported progress and asked leave to sit again.

The Council then adjourned till Wednesday next at ½ past two.

David Cameron C.J. President

#### Wednesday, the 11th day of May, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Treasurer, Hons. R. Finlayson, D. Fraser.

The Minutes of the last Meeting having been read and Confirmed.

The Victoria Incorporation Bill was brought up for a 2nd reading.

Mr. Fraser moved the 2nd reading.

Mr. Finlayson moved that the Bill be read this day six months.

Chief Justice 2nded.

Content Hons. R. Finlayson, A. Watson.

Bill ordered to be read this day six months.

The Council then went into Committee on the Banking Bill.

Mr. Finlayson in the Chair.

Clause 3, on motion of Mr. Watson—passed.

The President having resumed the Chair. The Bill was reported complete as amended and ordered to be brought up for a 3rd reading at the next meeting.

Council then adjourned till Friday the 20th Instant at 2.30.

David Cameron C.J. President

### Friday, the 20th day of May, 1864

The Council met this day at 2.30.

Present: The Chief Justice, The Treasurer, The Attorney General, The Surveyor General, Hon. Donald Fraser.

The Minutes of the last Meeting having been read and Confirmed.

- A Message from the Governor was read forwarding copy of His Excellency's Instructions as Governor of this Colony.
- A Message from the Legislative Assembly was read forwarding a Bill to grant a Supplemental Supply of Nineteen Thousand Eight hundred and four Dollars and Twenty Eight Cents for the service of the year 1863.

Moved by Mr. Fraser Bill be read 1st time.

2nd by The Treasurer.

Bill read 1st time.

A Message from the Legislative Assembly was received forwarding,

A Bill Entitled "An Act to provide for the Closing of Wells upon unenclosed lands in Vancouver Island and its Dependencies."

Motion of Mr. Fraser. 2nd by Mr. Watson.

Bill read 1st time.

On motion of Mr. Fraser 2nd by the Treasurer, The Standing Orders of the Council were suspended and The foregoing Bills were read a 2nd time.

On motion of The Treasurer The Banking Bill was read a third time & passed.

The Council then adjourned till Monday next the 23rd Instant at 2.30.

David Cameron C.J. President

# Monday, the 23rd day of May, 1864

The Council met this day at 2.30.

Present: The Chief Justice, The Treasurer, Hon. Donald Fraser.

The Minutes of the last Meeting having been read and agreed to.

A Message was read from the House of Assembly transmitting "a Bill to impose a Tax of one half of one per centum upon all Real Estate within the City of Victoria and for other purposes relating thereto."

Mr. Fraser moved that Bill be read 1st time.

2nd by Mr. Watson.

Bill read 1st time.

A further Message was received from the House transmitting A Bill entitled "An Act to enable the Governor to pay out of the General Revenue Six Thousand Dollars for Civic purposes."

Mr. Fraser moved that Bill be read 1st time.

2nd by Treasurer.

Bill read 1st time.

Mr. Watson moved that the Supplemental Supply Bill of \$19,804, $^2$ %<sub>100</sub> be read a third time and passed.

2nd by Mr. Fraser.

Bill read 3rd time & passed.

Mr. Fraser gave notice that at the next meeting of the Council he would move that an humble Address be presented to the Governor requesting him to furnish the Council with copies of all papers in his possession in relation to the subject of the improvement of Victoria Harbour.

The Council then adjourned till Friday 27th May 64.

David Cameron C.J. President

### Friday, the 27th day of May, 1864

The Council met this day pursuant to adjournment

Present: The Chief Justice, The Attorney General, The Treasurer, Hon. D. Fraser.

The Minutes of the last Meeting having been read and Confirmed.

- Mr. Fraser, pursuant to notice moved that an humble address be presented to The Governor asking His Excellency to be pleased to furnish the Council with copies of all papers in His Excellency's possession in relation to the subject of the improvement of Victoria Harbour—which was agreed to.
- The Council then went into Committee on A Bill entitled An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver Island and its Dependencies.

Mr. Cary in the Chair.

The President having resumed the Chair. The Committee rose and reported the Bill complete with amendments.

Bill ordered to be engrossed and brought up for a third reading.

The Council then went into Committee on A Bill entitled "An Act to impose a Tax of one half of one per centum upon all real Estate within the City of Victoria and for other purposes relating thereto."

Mr. Cary in the Chair.

The President having resumed the Chair.

The Committee rose and reported progress.

Council then adjourned till Monday the 30th Inst. at 2.30.

David Cameron C.J. President

### Monday, the 30th day of May, 1864

The Council met this day at 2.30.

Present: The Chief Justice, The Attorney General, The Treasurer, Hon. Donald Fraser.

The Minutes of the last meeting having been read and agreed to.

The Treasurer moved that a Bill entitled An Act to impose a Tax of one half of one per centum upon all real Estate within the City of Victoria and for other purposes relating thereto be read a second time.

Mr. Cary 2nd.

Bill read 2nd time.

A Bill entitled "An Act to enable the Governor to pay out of the General Revenue Six Thousand Dollars for Civic purposes."

Moved by Mr. Watson & 2nd by Mr. Cary That Bill be read 2nd time.

Mr. Cary moved—Mr. Watson 2nd that Bill to provide for the closing of Wells upon unenclosed lands in Vancouver Island and its Dependencies be read a 3rd time & passed.

Bill read 3rd time and passed.

The Council then went into Committee on the one half per cent Tax Bill.

The Treasurer in the Chair.

The President having resumed the Chair.

The Bill was reported and leave asked to sit again.

The Council then went into Committee on the Victoria City Aid Bill.

The Treasurer in the Chair.

The President having resumed the Chair the Bill was reported and leave asked to sit again.

The Council then adjourned till Wednesday next at 2.30.

David Cameron C.J. President

### Wednesday, the 1st day of June, 1864

The Council met this day at 2.30.

Present: The Chief Justice, The Attorney General, The Treasurer, Hon. Donald Fraser.

The Minutes of the last meeting having been read and agreed to.

The Treasurer gave notice that he would move that the Minutes of Committees be signed by the Chairman of Committee.

The Council then went into Committee on the one half per cent Tax Bill.

Mr. Cary in the Chair.

The President having resumed the Chair.

The Chairman reported progress and asked leave to sit again.

A Bill entitled An Act to enable the Governor to pay out of the General Revenue \$6000. for Civic purposes—was read a 3 time and passed.

The Council then adjourned till Friday next the 3rd Instant at 2.30.

David Cameron C.J. President

#### Tuesday, the 7th day of June, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer, The Surveyor General, Honble. D. Fraser.

The Minutes of the last Meeting having been read and agreed to.

The following Communications were received from the Legislative Assembly—

A Bill entitled An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver's Island and its Dependencies, the amendments of the Council to which Bill having been agreed to by the House.

\*[See starred passage below]

A message enclosing A Bill entitled "An Act to authorize the Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District Vancouver Island" which was referred to Committee on standing orders.

A Message enclosing A Bill entitled An Act to authorize the Governor to appropriate certain moneys for the completion of a Dredging Machine and other instruments and appliances connected therewith. Bill read a 1st time.

Attorney General moved Survr. Genl. 2nded.

A Message enclosing A Bill entitled An Act to incorporate The Israelite Congregation named "The Emanuel of Victoria, Vancouver Island." Bill referred to Committee on Standing Orders.

The Treasurer moved that the Minutes of all Committees appointed by this House be regularly signed by the Chairman and that the same shall be recorded as a Standing order of the House.

Mr. Fraser 2nded.

Motion agreed to.

A Bill entitled An Act to impose a Tax of one half of one per centum upon all real estate within the City of Victoria and for other purposes relating thereto—was read a third time and passed.

The Surveyor General moved that the Fireman's protection Bill be recommitted.

Mr. Fraser 2nded.

Bill recommitted.

The Chief Justice in the Chair.

The President having resumed the Chair.

The Chief Justice reported progress and asked leave to sit again.

The Council then adjourned till Thursday next at 2 O'clock.

- \* The Attorney General presented the following Petitions
  - 1. Petition praying the Council to pass an Act to authorize the Harewood Railway Company to construct a Railway.
  - 2. Petition from Members of the Jewish persuasion praying that they may be incorporated as a body corporate by the name of the Emanuel of Victoria Vancouver Island—and be allowed to acquire the right to obtain and hold the site of their synagogue.

David Cameron C.J. President

#### Thursday, the 9th day of June, 1864

The Council met this day at 2.30.

Present: The Chief Justice, The Attorney General, The Treasurer, The Surveyor General, Hon. Donald Fraser.

The Minutes of the last Meeting having been read and confirmed.

The Supplemental Supply Bill came up for a 2nd Reading, and on the question being put was postponed till next meeting of the Council.

The Council then went into Committee on the Fireman's protection Bill.

The Chief Justice in the Chair.

The President having resumed the Chair.

The Bill was reported and leave asked to sit again.

The Surveyor General moved that the Bill be recommitted.

The Attorney General seconded.

Bill recommitted.

The Attorney General in the Chair.

The President having resumed the Chair.

The Attorney General reported the Bill having passed the Committee.

In the matter of the Bill entitled "An Act to incorporate the Israelite Congregation named the Emanuel of Victoria, Vancouver Island" The Attorney General reported from the Select Committee on Standing Orders that the Standing

Orders had been complied with save the publication for three weeks previously to the introduction of the Bill of an Advertisement of the said Act and the Committee recommended that the Standing Orders in question be waived on this Bill.

Bill was then read a 1st time.

The Council then adjourned till Tomorrow at 2.30 O'clock.

David Cameron C.J. President

#### Friday, the 10th day of June, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer, The Surveyor General, Hon. Dr. Fraser.

The Minutes of the last Meeting having been read and agreed to.

The Attorney General requested that another Member might be added to the Committee on standing orders as he and the Treasurer had been unable to come to any agreement in regard to the Harewood Railway Company's Bill.

The President nominated The Hon. Donald Fraser.

The Hon. The Attorney General from the Committee on Standing Orders reported that the promoters of the Harewood Railway Company had fully complied with the Standing Orders.

The Bill was then read a 1st time.

The Attorney General moved that A Bill entitled an Act to incorporate the Israelite Congregation named the Emanuel of Victoria, Vancouver Island be read a 2nd time.

Hon. Donald Fraser 2nded.

Bill read 2nd time.

The Supplemental Supply Bill No. 4—1864 came up for a 2nd reading.

The Attorney General moved that a Conference be had with the Legislative Assembly in regard to the Bill.

The President appointed 2 O'clock on Monday as the hour at which the Council would meet the House.

The Honble. Donald Fraser moved that the Fireman's protection Bill be read a third time and passed.

The Surveyor Genl. 2nded.

Bill read a 3rd time & passed as amended.

Non content Mr. Watson—The President not voting.

The Victoria City half per cent Tax Bill came down from the Leg. Assembly with the amendments of the Council agreed to excepting that in clause 3 line 3,

striking out the words "this Act" and in lieu inserting the words "the real estate assessment Roll for said City."

The Council determined to ask a Conference with the House.

The President appointed 2 O'clock on Monday next.

The Council then went into Committee on the Telegraph Regulation Bill.

Hon. Donald Fraser in the Chair.

#### Tuesday, the 14th day of June, 1864

A conference was held at 2 O'clock with the House of Assembly in regard to the following Bills.

A Bill entitled An Act to impose a Tax of one half of one per centum upon all Real estate within the City of Victoria and for other purposes relating thereto, and A Bill entitled An Act to authorize the Governor to appropriate certain moneys for the completion of a Dredging Machine and other instruments and appliances connected therewith.

Present: Hons. the Chief Justice, Alex Watson, Attorney General, Surveyor General. Members of the House: Messrs. Carswell, Franklin, Duncan.

Mr. Cameron stated the object for which the Council desired a Conference with the House—

That the Supply Bill sent down by the House contemplated the appropriation of certain monies for other purposes than those for which they had been set apart by an Act of the Legislature.

Mr. Franklin explained that it was an error—the House meant the balance of the £18,000 not £40,000 loan.

In regard to the Council's amendment to the  $\frac{1}{2}$  of 1 per cent tax Bill, Clause 3 line 3, Mr. Franklin explained that the House meant the Real Estate Assessment Roll for the year 1863 not 1864.

The Members of the House having withdrawn.

- The Hon. The Treasurer requested that he might be permitted to resign as a Member of the Standing Order Committee which was accepted by the President, and The Surveyor General was nominated in his stead.
- Mr. Cary moved that the Israelite Congregation Incorporation Bill be referred to a Select Committee, and that The Harewood Railway Bill be referred to a Select Committee.

The President named—Hon. D. Fraser, The Attorney General, The Surveyor General.

Council then adjourned till Wednesday at ½ 2 o'clock.

David Cameron C.J. President

#### Wednesday, the 15th day of June, 1864

The Council met this day at 2.30.

Present: The Chief Justice, The Attorney General, The Treasurer, Hon. R. Finlayson.

The Minutes of the last Meeting having been read and confirmed.

The Council went into Committee on The Telegraph Regulation Bill, clause 13.

Mr. Cary in the Chair.

The President having resumed the Chair the Bill was reported complete with amendments.

The Standing Orders of the Council were then waived and the Bill was read a 3rd time and passed as amended.

Council then adjourned to tomorrow at 2.30.

#### Thursday, the 16th day of June, 1864

The Council met this day at 2.30 pursuant to adjournment.

Present: The Chief Justice, The Attorney General, The Treasurer, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The Attorney General as Chairman of the Select Committee reported in favour of the Harewood Railway Bill and the Israelite Congregation Incorporation Bill.

The Bills were then read a third time and passed.

The Legislative Assembly having returned to the Legislative Council the ½ of 1 per cent tax Bill and the Supplemental Supply Bill No. 4, 1864 with the alterations embodied as proposed in Conference.

The Bills were read a 3rd time & passed.

The Council then adjourned sine die.

# Tuesday, the 5th day of July, 1864

Present: The Chief Justice, Attorney General, The Treasurer.

The Minutes of last meeting having been read and confirmed.

A message from the Governor was read transmitting certain Resolutions of the House of Assembly dated 27 June 1864 and 2 July 1864 and on motion it was resolved

That the Legislative Council concur in the Indemnity mentioned in the 2nd & 3rd resolutions of the House of Assembly dated 2nd day July 1864 but in so doing the Legislative Council reserve their opinion entirely on the other matters referred to in such resolutions.

Resolved that His Excellency be addressed praying that a copy of the Report of the Comtee. of House of Assembly of V.I. on crown lands & the evidence taken before such Committee may be laid before Legislative Council.

Council then adjourned.

#### Friday, the 8th day of July, 1864

The Council met this day pursuant to a notice by the President.

Present: The Chief Justice, The Attorney General, The Treasurer, The Surveyor General, The Hon. Roderick Finlayson.

The Minutes of the last Meeting were read and agreed to.

His Excellency the Governor having entered the Council Chamber and the Clerk of the Council having summoned the Members of the Legislative Assembly, His Excellency delivered the following speech.

Honourable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly

- 1. The state of public business enables me to release you from further attendance and bring this protracted Session to a close.
- 2. Questions materially affecting the progress of the Colony must come before you at an early period, on which I would invite you to acquaint yourselves with the opinions of your constituents, prior to the re-assembling of the Legislature.
- 3. The first and most important of these questions, is the proposed Union of British Columbia and Vancouver Island under one Government.
- 4. As this object can only be attained with the previous concurrence of the Legislatures of both Colonies, the course adopted by the Legislative Assembly of Vancouver Island in February last, has delayed the consideration of it.
- 5. The conditions attached to the proposal then submitted to Her Majesty's Secretary of State for the Colonies, were such as could not in my opinion, be accepted by the sister Colony, or entertained by Her Majesty's Government.
- 6. Such a Union to be beneficial and lasting must be effected on a basis both practical and equitable. Like all other unions I apprehend that mutual concessions will be required, and personal predilections and prejudices must be laid aside.
- 7. If on examination it be found that such a union is in favour with the people of this or both Colonies, and will conduce to their honour and prosperity, it will receive my disinterested and hearty support. I have no doubt that the question fairly put before the public will be considered with the calmness and moderation becoming so grave a subject.
- 8. Unreasonable demands and pretensions can but raise new difficulties between two colonies whose best interests, whether under one, or separate governments are bound up together.
- 9. A question of scarcely less importance is the acceptance and disposal of the Crown Lands and Revenue of Vancouver Island; while this question remains unsettled, the survey, leasing, sale, and general management of public lands, must be left in their present very unsatisfactory state, to the serious detriment of the best interests of the Colony.

- 10. The course which has been taken in reference to the proposal of the Secretary of State for the Colonies for a permanent Civil List, has resulted in delay and embarrassment.
- 11. That this Colony has ample resources to provide for its own Government on a becoming scale cannot be doubted, and I feel confident that the people, if appealed to, will cheerfully accede to a provision for the public servants, commensurate with the responsibilities and duties of their respective positions.
- 12. The important subject of emigration must be left untouched while the possession and disposal of the Crown Lands remain unsettled. A Colony without a fixed population cannot be permanently prosperous.
- 13. I have deferred acknowledging the receipt of the Resolutions adopted by the Legislative Assembly on the subject of Crown Lands, waiting the receipt of the evidence and Report on which they are founded, and without which I am unable to decide upon the course best calculated to give effect to the views of the House.
- 14. The House may be assured that I will deal justly and impartially with the subject as far as it lies within my jurisdiction.
- 15. I will direct my earnest attention to the economical application of the Supplies you have granted for the current year to secure the attainment of the objects for which they were voted.
- 16. I am happy to assure you of the peace, prosperity, and order which prevail throughout the Colony. The absence of pauperism and serious crime are subjects for solid congratulation.
- 17. I find that the following Acts passed during the Session received the Assent of my predecessor on behalf of Her Majesty.

The Mayor and Council of Victoria Indemnity Act, 1863.

The Victoria Pilot Act, 1864.

The Provisional Act for the Election of Mayor and Councillors, 1863.

The Chief Justice's Pension Act, 1864.

The First Telegraph Act, 1864.

The Governor's Indemnity Act, 1864.

An Act to apply the sum of \$257,279 out of the General Revenue of the Colony of Vancouver Island to the service of the year 1864.

18. I have assented in Her Majesty's name to the following Acts passed during the Session, namely:

The Bridges Protection Act, 1864.

An Act to repeal the Vancouver Island Stamp Act, 1862.

The Bank Note Act, 1864.

The Banking Act, 1864.

An act to apply the sum of \$26,000 out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the year 1864.

An Act to grant a Supplementary Supply of \$19,804.28, for the service of the year 1863.

An Act to provide for the Closing of Wells upon uninclosed lands in Vancouver Island and its Dependencies.

The Telegraph Regulation Act, 1864.

The Firemen's Act, 1864.

The Harewood Railway Company, Act, 1864.

The Congregation of Emanu-El of Victoria Incorporation Act, 1864.

The Governor's Victoria City Aid Act, 1864.

The Victoria City Half Per Cent Tax Act, 1864.

The Supplementary Supply Act, No. 4. 1864.

Honourable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly.

19. I now, in Her Majesty's name, prorogue this Council and Assembly, and they are hereby prorogued accordingly until Monday the 3rd day of October next.

#### Saturday, the 20th day of August, 1864

The Council met this day pursuant to a Proclamation of His Excellency the Governor.

Present: The Chief Justice, The Treasurer, Honbles. Donald Fraser, Roderick Finlayson, Henry Rhodes.

The Governor having entered the Council Chamber and the Clerk of the Council having summoned the Members of Assembly—His Excellency delivered the following Speech.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly.

The discovery of a gold field within the last few weeks having so much altered the circumstances and enlarged the prospects of this colony, I have deemed it my duty to call you together to aid me with your advice.

It is unnecessary for me to recapitulate to the Legislature, already so well informed on the subject, the position in which the Crown Lands and Crown Revenue of the Colony now stand; and I feel confident that you will concur with me in the opinion that under the altered prospects of the colony it is anomalous and inexpedient that it should be continued.

The management of Crown Lands and the expenditure of Crown Revenue freed from the control of the Legislature is a responsibility I do not desire to incur unless devolving upon me as a necessary duty.

The mining interests bid fair to rival any other in importance, and the Colonial Legislature is, in my opinion, the proper power to frame laws and regulations for their development and guidance.

The adoption of any other course must, I fear, lead to complications, which may prove detrimental to the best interests of the colony.

A large number of miners have already taken out licenses and registered their claims, and the number being daily on the increase, I desire if possible to have the advice and assistance of the Legislature in framing wise and just laws for their encouragement and protection.

The rules and regulations now in force have been issued subject to modification or alteration, pending the enactment of permanent laws. Intended to meet an emergency, and as a preliminary protection to miners only, they are manifestly inadequate to the rapidly increasing importance of the subject.

There are doubtless difficulties in the way of a prompt adjustment of this question, but none so formidable that they cannot be surmounted by the cordial co-operation of the Legislature and the Executive, which it is no less my desire than duty to afford.

The unforeseen necessity which has compelled me to require your attendance at this unexpectedly early period will prevent me bringing other measures of importance under your immediate consideration, but there is one which I think the public interests require to be settled without unnecessary delay, that of re-union with the colony of British Columbia.

The prolonged agitation of this question cannot fail to aggravate any evils which are alleged to have resulted from separation and interpose obstacles to its calm consideration hereafter.

The union or separation of these Colonies is a matter of secondary importance to the maintenance of a cordial co-operation and good understanding between them; and it is, therefore, I think, incumbent upon the people, through their representatives, to set this matter at rest for the present.

Gentlemen of the Legislative Assembly:

The financial condition of the Colony will require your consideration. Being contingent upon the decision of the Legislature on the subject of Crown Lands and Revenue, it will be brought under your consideration in a specific form.

The Blue Book for 1863, being the first compiled for this Colony, will be laid before you.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly.

I have now to commit these important questions for your consideration with an earnest prayer that your deliberations may be conducive to the honor of our Sovereign and the prosperity of her subjects, whose interests are in your keeping.

- The Chief Justice having administered the Oaths of allegiance to the Colonial Secretary and Mr. Rhodes.
- The Colonial Secretary moved that the Council do now adjourn till Tuesday the 23rd Instant then to take into consideration the Governor's Speech.

2nd by the Hon. Donald Fraser.

The Council then adjourned.

David Cameron C.J. President

#### Tuesday, the 23rd day of August, 1864

The Council met this day at 2 O'clock pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Treasurer, The Hons. Donald Fraser, Roderick Finlayson, Henry Rhodes.

The Minutes of the last Meeting having been read and confirmed.

The Honble. Henry Rhodes moved that a Committee be appointed to draft an Address in reply to H.E. Speech.

2nded by Hon. R. Finlayson & agreed to.

The President nominated the following Gentlemen: Mr. Fraser, Mr. Rhodes, Mr. Watson.

The Council then adjourned till 2 O'clock on Thursday next.

David Cameron C.J. President

# Thursday, the 25th day of August, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. Donald Fraser, Henry Rhodes.

The Acting Attorney General having taken the oath of allegiance.

The Minutes of the last meeting were read and confirmed.

The Honble. Donald Fraser brought up the Report from the Committee appointed to draw up an Address in answer to His Excellency's Speech at the opening of the Session.

Mr. Fraser moved that the Address be adopted.

Mr. Watson 2nded the motion and the address was agreed to unanimously.

The Acting Colonial Secretary having ascertained that His Excellency would be prepared to meet the Council tomorrow at noon the Council adjourned till half past Eleven tomorrow Friday the 26th Instant.

David Cameron C.J. President

#### Friday, the 26th day of August, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hons. H. Rhodes, D. Fraser.

The Minutes of the last meeting having been read and confirmed.

The Members of the Council proceeded to Government House and His Honor the President delivered the following Address, which had been agreed to at the last meeting of the Council.

To His Excellency Arthur Edward Kennedy, Esq., Companion of the Most Honourable Order of the Bath, Governor and Commander in Chief in and over the colony of Vancouver Island and its Dependencies, &c., &c.

May it Please Your Excellency.-

We, the Legislative Council have heard with much pleasure your Excellency's speech on the opening of the present session of Parliament. The Legislative Council desire most respectfully to express to your Excellency their gratification at the recent discovery of the gold fields referred to in your Excellency's speech, and their hope that this discovery will conduce to the permanent prosperity of the colony.

The Council, on offering their congratulations on this discovery, deem it their duty in justice to your Excellency, to record their conviction that the merit of this discovery is primarily due to your Excellency's earnest and energetic advocacy of the exploration of the Island, and to the continued support and encouragement afforded by your Excellency to the efforts of the explorers who have made the discovery. And the Council would beg also to mark their appreciation of the promptness with which your Excellency organized a legal system over the gold fields to meet the emergency, by the immediate passing of rules and regulations, and by the appointment and despatch of a Gold Commissioner to administer the same.

The Council beg respectfully to assure your Excellency that they are desirous to give their earnest and prompt attention to the serious consideration of the several subjects mentioned in your Excellency's speech, provided it is competent to them to exercise their functions, of which a doubt has arisen, from the fact that the Legislature has been assembled on a shorter notice than required by the law of England, and by the practice of the Imperial Parliament, by which the Legislature has hitherto been guided; and the Council earnestly respond to your Excellency's prayer, that their deliberations may conduce to the honour of Her Majesty, and to the prosperity of the country.

His Excellency having graciously received it at the hands of the President, thanked the Council for the address, and stated that it was not within the province of his duty to discuss the legality of convening the Legislature within a shorter period than fourteen days. His Excellency expressed his gratification at finding that the Council adopted the practice of the Imperial Parliament as their guide, and felt assured that such a course carried out in spirit and in letter would be conducive to the public good.

His Excellency said he might not agree with all the opinions expressed regarding the legality of the notice, or that their actions would have been liable to be set aside had they proceeded to legislate—but he deemed it due to himself to state that the Legislature had no reason to fear any encroachment on its privileges, or upon the rights of the people, at his hands.

His Excellency assured them that the address should receive his best and earliest attention.

The Council then adjourned sine die.

#### Monday, the 12th day of September, 1864

The Council met this day at 12.30.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hons. R. Finlayson, D. Fraser, H. Rhodes.

His Excellency the Governor having entered the Council Chamber and the Members of the Legislative Assembly having attended in accordance with His Excellency's Commands.

The Governor delivered the following Speech.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly.

I have called you together for the consideration of subjects recently brought under your notice, and which have acquired additional importance since I last addressed you.

A despatch from the Governor of British Columbia will be laid before you, informing me that he has been called upon by Her Majesty's Secretary of State for the Colonies, to report upon a suggestion made by the Legislative Assembly of Vancouver Island, that the two English colonies west of the Rocky Mountains, should be united under one governor, and inviting early communication with me on the subject. It is desirable, therefore, that I should be in possession of the views of the Legislature of this Colony, to enable Her Majesty's Government to consider them in connection with the report of the Governor of British Columbia and my own.

The important subject of schools for the training of children whose parents are unable to afford them a high class education, will doubtless receive your careful consideration.

The relations between white men and the Indian tribes, become daily more complicated, affording indications of future difficulties, which it will be well to obviate by the adoption of timely precaution and suitable laws.

The early consideration of an Incorporation Act for the City of Victoria, is pressingly necessary in a moral as well as a sanitary point of view. The city possesses ample resources both in property and intelligence, for the purpose of

municipal government, with which I think it is so desirable to invest it, and I feel confident that the local knowledge of the Legislature will enable them to deal with this question speedily and satisfactorily.

The postal communication within and without the Colony demands earnest attention. I propose to submit measures for the better conduct of this department at an early period.

Gentlemen of the Legislative Assembly:

It is necessary for the regular administration of the Finances of the Colony that the annual estimates should be agreed to prior to the period from which they are to take effect. I will therefore have them submitted for your consideration as soon as circumstances will permit.

Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:

I beg to assure you of my earnest desire to co-operate with you in all measures calculated to promote the public good, and the prosperity of the people.

His Excellency having retired. The Clerk read the Speech together with the following Communication from His Excellency:

Vancouver Island, Victoria 12 September 1864

To The Honorable The President & Members of the Legislative Council—Gentlemen,

I have the honour to transmit the copy of a Despatch received from the Governor of British Columbia on the subject of union between Vancouver Island and that Colony.

I have &c. &c.
(signed) A. E. Kennedy
Governor

British Columbia, New Westminster 31 August, 1864

Sir,

I have the honour to inform you that I have received a despatch from the Secretary of State directing me to report upon a suggestion made by the Legislative Assembly of Vancouver Island that the two English Colonies west of the Rocky Mountains should be united under one Governor though with some distinct administrative Departments.

The Secretary of State expresses a wish that before sending in my report I should consult freely with Your Excellency. As the proposal for union originated with the Legislature of the Colony under your Government, I beg leave to know if I may soon expect to receive any Communication from Your Excellency on the subject.

I have &c. &c. (signed) Frederick Seymour

Hon. Donald Fraser moved that a Committee be appointed to draw up an Address in reply to His Excellency's Speech.

Hon. Henry Rhodes 2nd the motion.

The President nominated the following Gentlemen: Hons. the Treasurer, R. Finlayson, H. Rhodes.

The Council then adjourned till Wednesday next at 3 O'clock.

David Cameron C.J. President

#### Wednesday, the 14th day of September, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, Hons. the Treasurer, R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and Confirmed.

The Treasurer from the Committee appointed to draw up an Address in answer to His Excellency's Speech brought up the following reply.

To His Excellency Arthur Edward Kennedy Companion of the Most Honorable Order of the Bath Governor and Commander in Chief in and over the Colony of Vancouver Island and its Dependencies &c. &c.

May it please Your Excellency

We the Legislative Council having with much interest and attention heard Your Excellency's Speech at the opening of the present Session of Parliament desire most respectfully to assure Your Excellency that the subjects recently brought under our notice and alluded to in Your Excellency's Speech and the further various and important subjects to which Your Excellency has done us the honour to direct our attention shall receive our earnest and careful consideration.

The Council beg to thank Your Excellency for the expression of your desire to co-operate with the Legislature in all measures calculated to promote the public good and the prosperity of the people.

Hon. R. Finlayson moved—2nd by Hon. H. Rhodes that the Address be agreed to.

Address agreed to accordingly.

The Acting Colonial Secretary gave notice that on Friday next the 16th Inst. he would move that a Committee be appointed on Standing Orders.

The Acting Colonial Secretary moved 2nd by Hon. R. Finlayson that the Council adjourn to Friday next at one Oclock which was agreed to & the Council adjourned accordingly.

David Cameron C.J.

# Monday, the 19th day of September, 1864

The Council met this day at 1 O'clock.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hon. Henry Rhodes.

The Minutes of the last meeting having been read and agreed to.

The President and Members of the Council waited on His Excellency the Governor and delivered the Address adopted at the last meeting of the Council.

On the return of the Members to the Council Chamber The Acting Colonial Secretary pursuant to notice moved that a Committee be appointed to draw up certain Standing Orders for the Council.

The President nominated the following Gentlemen: The Acting Colonial Secretary, The Acting Attorney General, The Hon. the Treasurer, & Hon. H. Rhodes.

Two of whom to be a quorum.

The Council then adjourned to Wednesday next at 3 Oclock.

David Cameron. C.J. President

# Wednesday, the 21st day of September, 1864

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hon. H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Acting Colonial Secretary presented the following Communication from the Governor and moved that it be taken into consideration on Friday next the 23rd Instant.

Vancouver Island, Victoria 21st Sept. 1864.

To the Honorable the President and Members of the Legislative Council; Gentlemen,

I have the honor to submit the following remarks relative to postal communication between British Columbia, Vancouver Island and the Mother Country, for the consideration of the Legislature and people of this colony.

I have been in personal communication with many distinguished and energetic

men of business in England who are deeply interested in the colonies.

The present appears to be a most opportune time for re-opening the question, inasmuch as we have a distinguished colonist, Mr. Hugh Childers, M.P., occupying an influential post at the Admiralty, and who is well known to be thoroughly acquainted with our requirements, and favorable to the establishment of a British line of mail steamers to connect these colonies with Panama. The present Chancellor of the Exchequer is believed to be favorable to the undertaking, provided a good case can be shown; and there is a good reason to believe that the Postmaster General will recommend any practicable measure for extending postal communication to this part of Her Majesty's dominions.

A settled form of government having been established in Mexico is another and new inducement to those contemplating the establishment of a line of steamers which would now have Acapulco and Mazatlan open to them as profitable places of

call.

A weighty reason for again bringing forward this question is to be found in the fact that the present means of communication from Panama along the North Pacific coast is admittedly inadequate to the growing trade. All statistics go to prove this. The increased and increasing production of gold in British Columbia and California, three-fourths of which is sent to England direct, furnishes additional reason for the adoption of a British line in the North Pacific.

The progress of these colonies renders it a matter of importance to England, as well as to them that an improvement in the communication for passengers, mails and merchandise, should be at once established. A British line from Panama to Vancouver Island would doubtless lead to an extension to China and Japan as being the cheapest and most expeditious route between England and those countries, and

confer incalculable benefit on this colony.

Having briefly alluded to some of the reasons which render it expedient to bring this question again before the Legislature, it is desirable that the public of these colonies should at the same time understand some of the disadvantages they at present labor under, and which I believe are without a parallel in any of Her Majesty's dominions. For a fortnightly service irregularly and most inconveniently carried out, this colony at present pays \$9,000 per annum, together with a loss of revenue amounting to \$80 per trip, for the carriage of letters between Victoria and San Francisco. The charge of each single letter between England and Vancouver Island, via Panama, has been lately altered to equal the rate charged via New York, letters from England via Panama being formerly charged double those sent via New York. Each Times newspaper costs 4d postage, thus practically excluding that and other English newspapers from circulation here. A book-post has been established between England and the United States, extending to all parts of the latter, but not including British Columbia or Vancouver Island. The consequence is that the charge for books per post to and from either of these colonies is entirely prohibitory. A Colonial Almanac may be sent from Oregon to England for thirty pence, which would if sent from British Columbia or Vancouver Island cost as many shillings. The evils arising from this anomalous state of the Postal Law practically excluding English books are too numerous and too obvious to require comment.

The San Francisco United States steamers receive no subsidy from their own Government which precludes the possibility of the mails being carried with punctuality or security, or regulated by International Treaty. The time occupied in transit between San Francisco and Victoria is generally seven and a half days, and in one instance lately mails and passengers for Vancouver Island were detained seventeen days at San Francisco, while the steamers under contract to carry the mail to Vancouver Island were employed on other services more profitable to their owners.

In case of any international difficulty with America these colonies would be immediately cut off from all postal communication with Great Britain.

The short stay of steamers arriving at Victoria does not afford sufficient time to reply to letters satisfactorily by return mail, and in the case of British Columbia it is altogether impossible.

The disadvantage which Her Majesty's Naval Forces in the North Pacific must labor under in the absence of a line of British steamers is obvious.

The great distance via Cape Horn practically precludes emigration from the Mother Country to these colonies, and without which they can have no sound or satisfactory progress.

There are at present no less than six different lines of European steamers running to Panama, and none but American lines running northward from it in the Pacific Ocean. The mail from Panama to Vancouver Island, or British Columbia, might be easily conveyed in fifteen days, which now occupies twenty-three to twentyfive days.

I now turn to the best and speediest mode of bringing this all important question to a practical issue. It is obviously one which closely concerns the best interests of the Mother Country as well as these colonies, and the interests of British Colum-

bia and Vancouver Island are equally at stake.

The amount of subsidy required to enable a British line to compete successfully against the exclusive Navigation Laws of the United States is variously estimatedfrom £25,000 to £50,000 per annum. But whatever the required amount may be, it seems but equitable that the respective Legislatures of these Colonies should contribute according to their means, and this done, bring the case under the notice of her Majesty's Secretary of State for the Colonies, who will doubtless advocate a cause which so nearly concerns the settlement and commercial progress of the colonies committed to his charge.

I would wish the honorable the Legislative Council to take this subject into their consideration with a view to the correction of an evil which so seriously retards the progress of Vancouver Island and the neighboring Colony of British Columbia.

I have the honor to be, Gentlemen,

Your most obedient servant,

(Signed,) A. E. Kennedy, Governor.

The Council then adjourned till Friday next the 23 Instant at 2 Oclock.

# Friday, the 23rd day of September, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hon. Henry Rhodes.

The Minutes of the last meeting having been read and agreed to.

The Acting Colonial Secretary moved the following Resolution 2nded by the Acting Attorney General and agreed to unanimously:

That this Council having had under consideration the Message of His Excellency the Governor relative to postal communication with England is of opinion that it will be most desirable that His Excellency should communicate with the Government of British Columbia with a view to obtain the co-operation of that Colony and in order to ascertain what amount that Colony would contribute toward subsidizing a British Line of Mail Steamers between Panama and Vancouver Island, and further that His Excellency should take such other steps as he might think fit to secure the important object in view.

The Council then adjourned subject to the call of the President.

Henry Wakeford Acting Colonial Secretary

# Wednesday, the 5th day of October, 1864

The Council met this day at 3 P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and agreed to.

A Communication from the Legislative Assembly was read forwarding A Bill Entitled An Act respecting Barristers and Attorneys at Law.

The Hon. the Treasurer moved the 1st reading of the Bill.

2nd by the Hon. Henry Rhodes.

Bill read a 1st time.

The Acting Colonial Secretary moved that Bill come up for 2nd reading at next meeting of Council.

The Acting Attorney General gave notice of motion that at the next meeting of Council he would move the following Resolutions. That this Council is of opinion

That the Establishment and maintenance of Common Schools at the Public charge for the education of the children of those Members of the Community whose means do not allow them to pay the cost of Established Schools is a primary duty in every State and has a direct application to this Colony.

- 2. That secular and moral education and instruction in the tenets of any particular doctrine or faith are matters distinct and separable one from the other and do not require to be imparted by the same Instructor or under the same roof.
- 3. That works and writings of a religious character however elementary and incontrovertible cannot in themselves form part of the course of education at any School without causing well founded misgivings of their being expounded by the Instructors in accordance with their known convictions in matters of faith.
- 4. That Common Schools in this Colony should in justice to the known variety of Religious persuasions here existing be confined to secular and moral instruction only and that religious instruction and religious works and writings of every description should not be permitted to form any part of their discipline.
- 5. That resolutions such as the above enunciating definite principles are sufficient to guide the Executive in the Employment of such sums as may from time to time be voted for the purposes of education and that the subject is not one which requires any other form of Legislative action.
- The Hon. the Treasurer moved that the Council adjourn till 3 Oclock on Friday next.

2nd by Hon. H. Rhodes.

The Council then adjourned accordingly.

David Cameron C.J.

# Tuesday, the 11th day of October, 1864

The Council met this day at 3. P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Surveyor General (Acting), Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and agreed to and the Acting Surveyor General having taken the Oath of Allegiance.

The Chief Justice gave notice of a Bill to obtain a Declaration of Title.

The Acting Attorney General requested permission of the Council to withdraw the resolutions brought in by him at the meeting of the Council on the 5th Instant in regard to Education.

Hon. R. Finlayson 2nded the motion & the Resolutions were withdrawn.

The Treasurer moved that the Bill respecting Barristers & Attorneys be read a 2nd time.

Hon. R. Finlayson 2nded & the Bill was read a 2nd time.

The Treasurer moved that the consideration of the Bill in Committee be postponed till the Bill be printed which was agreed to. Mr. Finlayson non content.

Moved by the Chief Justice that the Council adjourn till Monday next at 3 P.M.

2nded by the Acting Colonial Secretary.

The Council then adjourned accordingly.

David Cameron C.J.
President

#### Monday, the 17th day of October, 1864

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. R. Finlayson.

The Minutes of the last meeting having been read & confirmed.

The Barristers and Attorneys Bill came up in Committee.

The Acting Colonial Secretary moved that its consideration in Committee be deferred till next meeting of Council.

The Council thereupon adjourned to Friday next the 21st Instant at 3 Oclock.

David Cameron C.J. President

# Friday, the 21st day of October, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Treasurer, The Acting Attorney General, The Acting Surveyor General, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last Meeting having been read and confirmed.

A message from the House of Assembly was read transmitting a Bill to appropriate the sum of Twelve Hundred Pounds Sterling per annum from the General Revenue of the Colony for the salary of a Chief Justice.

The Acting Colonial Secretary presented the following Message from His Excellency the Governor—

Vancouver Island Victoria 21st October 1864

To the Honble, the President and Members of the Legislative Council Gentlemen.

I have the honour to enclose a copy of certain Resolutions agreed to by the Legislative Assembly relative to the question of uniting the Colonies of Vancouver Island and British Columbia.

I have &c. &c. &.
(signed) A. E. Kennedy
Governor

#### RESOLUTIONS

Passed by the Legislative Assembly in Committee of the Whole House Octr. 13th 1864. Confirmed by the House Octr. 14 1864.

Resolved that this House is of opinion

- 1. That there should be a Federal union of Vancouver Island and British Columbia.
- 2. That the Federal Government should be vested in a Governor and Federal Legislative Council.
- 3. That the Legislative Council be composed of an equal number of persons from each Colony.

4. That there shall be one Governor for both Colonies.

- 5. That the Governor and Federal Legislative Council should have jurisdiction over all public questions in which both Colonies have a Common interest.
  - 6. That the local Legislative Institutions in each Colony remain as they are.
- 7. That each local Legislature should have the right to determine the mode of taxation within its jurisdiction for Federal as well as local purposes.
  - 8. That the Crown Revenues be the property of the Federal Government.
- 9. That all laws, usages, and liabilities of each Colony, except where altered by Act of Federal Union remain as they are till changed by the Federal or local Legislatures respectively.

Resolved that His Excellency the Governor be respectfully requested to enter into negotiation with His Excellency the Governor of British Columbia with the object of establishing a Federal Union of Vancouver Island and British Columbia

based on the provisions of the previous Resolution.

That His Excellency the Governor be respectfully urged to submit any question of difference not affecting our free port trade policy between himself and the Governor of British Columbia respecting the proposed federal union to Her Majesty's Principal Secretary of State for the Colonies for final decision binding on both Colonies.

That a Committee of three be appointed to explain the views of this House as embraced in the foregoing Resolutions to His Excellency the Governor.

That the foregoing Resolutions be transmitted to His Excellency the Governor.

(signed) R. W. Torrens Clerk of the House

The Resolutions were ordered to be laid upon the table.

A Bill for obtaining a Declaration of Title was read a 1st time.

The Council then went into Committee on a Bill respecting Barristers and Attorneys.

The Treasurer in the Chair.

The Chief Justice having resumed the Chair.

The Treasurer reported progress in the Bill & asked leave to sit again.

Leave granted & the Council adjourned till Monday next the 24th Inst. at 3 O'clock.

David Cameron C.J. President

# Wednesday, the 26th day of October, 1864

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General, Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Council went into Committee on A Bill respecting Barristers and Attorneys.

The Treasurer in the Chair.

The Chief Justice having resumed the Chair.

The Treasurer reported progress in the Bill and asked leave to sit again which was granted.

The Council then adjourned till Friday the 28th Instant at 3 P.M.

David Cameron C.J. President

#### Friday, the 28th day of October, 1864

The Council met this day at 3 P.M. pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Surveyor General, Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and agreed to.

A Message from the House of Assembly was read transmitting a Bill entitled An Act to provide for the election of a Mayor and Councillors for the City of Victoria on the 8th day of November, A.D. 1864.

The Bill was read a 1st time.

The Acting Attorney General moved that the Standing Orders of the Council be suspended and the Bill read a 2nd time. 2nded by the Hon. R. Finlayson and agreed to nem. con.

The Treasurer moved that the Council go into Committee on the Bill on Monday next. 2nded by Hon. the Acting Attorney General and agreed to nem. con.

The Hon. R. Finlayson moved 2nd reading of the Chief Justice's permanent salary Bill. The Hon. H. Rhodes 2nd & the Bill was read a 2nd time.

A Bill for obtaining a declaration of Title was read a 2nd time.

Chief Justice moved and the Acting Attorney General 2nded.

The Council then went into Committee for the Continued Consideration of a "Bill respecting Barristers and Attorneys at Law."

The Treasurer in the Chair.

The Chief Justice having resumed the Chair.

The Treasurer reported the Bill complete with amendments.

The Council then adjourned till Monday next at 3 O'clock.

David Cameron C.J. President

#### Monday, the 31st day of October, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General, The Hon. Henry Rhodes.

The Minutes of the last Meeting having been read and Confirmed.

The Council went into Committee on a Bill entitled An Act to provide for the election of a Mayor and Councillors for the City of Victoria on the 8th day of November 1864.

The Attorney General in the Chair.

The Chief Justice having resumed the Chair.

The Acting Attorney General reported the Bill complete with Amendments.

The Chief Justice moved that the Standing Orders be suspended and the Bill be read a 3rd time and passed.

2nded by the Hon. Henry Rhodes and the Bill was read a third time and passed.

The Bill respecting Barristers and Attorneys at Law was read a third time and passed.

The Council then went into Committee on a Bill entitled An Act to appropriate the sum of £1200. from the General Revenue of the Colony for the salary of a Chief Justice.

The Acting Colonial Secretary in the Chair.

The Chief Justice having resumed the Chair.

The Acting Colonial Secretary reported the Bill complete with amendments.

The Treasurer gave notice that he would move at the next meeting that the Bill be recommitted.

The Council then adjourned till Wednesday at 3 O'clock.

David Cameron C.J. President

# Wednesday, the 2nd day of November, 1864

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and agreed to.

A message from the House of Assembly was read agreeing to the Amendments of the Council to the Provisional Act for the election of Mayor and Councillors 1864.

The Council then went into Committee on a Bill Entitled An Act for obtaining a Declaration of Title.

The Acting Attorney General in the Chair.

The Chief Justice having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again—leave granted.

A message from the House of Assembly was read requesting a Conference with the Council on the subject of the amendments to the Barrister's and Attorney's Bill.

The Council agreed to have a Conference accordingly and appointed Monday the 7th November at 3 O'clock for the purpose.

The Treasurer moved the recommittal of the Chief Justices permanent salary Bill—no seconder.

Mr. Finlayson moved Bill be read a 3rd time. Acting Colonial Secretary 2nded.

Bill read a 3rd time accordingly and passed. The Treasurer non content. The Council then adjourned till Monday at 3 O'clock.

David Cameron C.J. President

# Monday, the 7th day of November, 1864

The Council met this day in conference with the Legislative Assembly on A Bill entitled An Act respecting Barristers and Attorneys at Law.

Present: The Chief Justice, The Acting Attorney General, The Treasurer, The Surveyor General, Hons. R. Finlayson, H. Rhodes.

The President of the Council having stated the objects of the Conference.

Mr. De Cosmos from the House of Assembly explained the views of the House.

Mr. C. B. Young & Dr. Dickson also addressed the Council in regard to their proposed amendments to the Barristers & Attorneys Bill and the Conference then adjourned till tomorrow week the 15 Instant.

David Cameron C.J.
President

#### Tuesday, the 15th day of November, 1864

The Council met this day to resume the consideration in Conference of the amendments made by the Legislative Council to a Bill entitled An Act respecting Barristers and Attorneys at Law.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General, The Hons. R. Finlayson, Henry Rhodes.

After some discussion on the Amendments the President of the Council informed the Members of the House that the Council would Communicate its decision to the House in writing.

The Council then adjourned sine die.

David Cameron C.J. President

#### Friday, the 25th day of November, 1864

The Council met this day at 2.30.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. H. Rhodes.

The Minutes of the last Council having been read and Confirmed.

A message from the House of Assembly was read agreeing to the Amendment of the Council to the Chief Justice's Salary Bill.

The Acting Attorney General moved the following Resolution in reference to the recent conference on the subject of the amendments to the Barristers & Attorneys Bill—

That it is the opinion of this Council that the amendment following will meet the wishes of the Honble. the Legislative Assembly; viz;

In clause I Insert between the words "admit" and "to act" "And the said Supreme Court shall approve and admit."

2nd by the Chief Justice and agreed to.

In reference to the 8th clause of the Bill, the Council agreed to insist on its being struck out.

The Council then went into Committee on a Bill for obtaining a Declaration of Title.

The Acting Attorney General in the Chair.

The Chief Justice having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again.

Leave granted and the Council adjourned till Wednesday next at 3 o'clock.

David Cameron C.J. President

#### Wednesday, the 30th day of November, 1864

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read transmitting a Bill entitled An Act relating to the office of Coroner, and A Bill Entitled an Act to amend the Land Registry Act, 1860, which were read a 1st time and ordered to be printed.

The Council then resumed the consideration in Committee of a Bill entitled An Act for obtaining a Declaration of Title, at clause XXIX.

The Acting Attorney General in the Chair.

The Chief Justice having resumed the Chair-

The Acting Attorney General reported progress in the Bill and asked leave to sit again, and the Council adjourned to Monday next at 3 Oclock.

#### Monday, the 5th day of December, 1864

A quorum of Members not being present there was no meeting.

David Cameron C.J. President

# Thursday, the 5th day of January, 1865

The Council met this day pursuant to a notice by the President.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hon. H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

Messages from the Legislative Assembly were read Transmitting

- 1. A Bill entitled An Act respecting Barristers and Attorneys at Law with certain of the Amendments of the Council thereto agreed to.
- 2. A Bill to increase the jurisdiction of Inferior Courts of Civil Justice to the sum of Two Hundred Pounds.
- 3. A Bill respecting the Medical Board and Practitioners in Medicine and surgery.

The Council then went into Committee on a Bill for obtaining a Declaration of Title.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

- The Acting Attorney General reported progress in the Bill and asked leave to sit again—which was granted.
- The Hon. H. Rhodes presented a Petition signed by the Mayor and Councillors and others of the City of Victoria against the passing by the Legislative Council of the Coroner's Bill, which was ordered to be laid upon the Table.
- The Coroner's Bill then came up for a 2nd reading and on motion of the Acting Attorney General seconded by the Acting Colonial Secretary was ordered to be read this day six months nem. con.
- The Chief Justice having informed the Members of Council that the order of the next day's meeting would be the 2nd reading of the Land Registry Bill.
- The Council adjourned to Monday next the 9th Inst. at 3 Oclock.

David Cameron C.J. President

#### Monday, the 9th day of January, 1865

The Council met this day at 3. P.M.

Present: The Chief Justice, The Acting Attorney General, The Treasurer, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and agreed to.

- A message from the Legislative Assembly was read transmitting A Bill for taking a Census.
- A Bill to amend the Land Registry Act 1860 was on motion of the Acting Attorney General 2nded by the Treasurer read a 2nd time—nem. con.
- A Bill for taking a Census was read a 1st time.
- A Bill respecting the medical Board and Practitioners in Medicine and surgery was read a 1st time.
- A Bill to increase the Jurisdiction of Inferior Courts was read a 1st time.
- A message from the Legislative Assembly was read forwarding further amendments to a Bill respecting Barristers and Attorneys at Law which were agreed to on motion of the Treasurer 2nded by the Acting Attorney General, nem. con.
- The Council then went into Committee on a Bill to obtain a Declaration of Title.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill complete with amendments.

Bill ordered to be engrossed and brought up for a third reading.

Hon. Henry Rhodes presented a Petition against A Bill Entitled An Act respecting the medical Board and Practitioners of Medicine and Surgery which was ordered to be laid upon the Table.

The Council then adjourned to Thursday next at 3 O'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Tuesday, the 17th day of January, 1865

The Council met this day at 3 P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and Confirmed.

A Bill entitled An Act for obtaining a Declaration of Title was read a third time and passed.

The Acting Attorney [General] asked leave to bring in a Bill to repeal a portion of the First Telegraph Act which was granted.

The Council then went into Committee on a Bill to amend "the Land Registry Act 1860."

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again.

Leave having been granted.

The Council adjourned sine die.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Monday, the 23rd day of January, 1865

The Council met this day at 3 P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read transmitting the following Bills viz.

A Bill respecting Common Schools and A Bill entitled "the Vancouver Island Mercantile Law amendment Act 1865."

- The Acting Attorney General pursuant to notice brought in a Bill to repeal a portion of the 1st Telegraph Act 1864, which was read a 1st time.
- The Acting Attorney General asked leave to bring in Bill in regard to the Postal Service of the Colony.

Leave granted.

A Bill Entitled the Medical Registration Act 1865 came up for a 2nd reading and on motion of the Acting Colonial Secretary the consideration was postponed to this day fortnight.

2nded by the Treasurer.

The Council then went into Committee on a Bill entitled An Act to amend the Land Registry Act 1860.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress with the Bill.

The Acting Attorney General moved 2nded by Mr. Finlayson that a Committee of the whole Council be appointed to confer with Mr. Alston on the Land Registry Bill which was agreed to nem. con.

The Council then adjourned sine die.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Tuesday, the 31st day of January, 1865

The Council met this day pursuant to adjournment.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

- The Acting Attorney General pursuant to notice brought in a Bill to provide for the Postal Service which was read a 1st time.
- The Acting Attorney General moved that a Bill to repeal a portion of the First Telegraph Act 1864 be read a 2nd time.

The Treasurer seconded the motion and the Bill was read a 2nd time nem. con.

The Acting Attorney General moved that the Standing orders of the Council be suspended and the Council go into Committee on the Bill. 2nded by the Treasurer & agreed to nem. con.

The Council then went into Committee on the Bill accordingly.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill Complete with Amendments.

The Bill was then ordered to be Engrossed and brought up for a third reading at next meeting of the Council.

The Council then adjourned to Friday next the 3rd Inst. at 3. O'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Friday, the 3rd day of February, 1865

The Council met this day pursuant to adjournment, at 3. P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and Confirmed.

The Acting Attorney General gave notice of motion to be allowed to withdraw A Bill Entitled An Act to regulate the Postal Service.

A Bill entitled An Act to repeal a portion of "the First Telegraph Act 1864" was then read a third time and passed.

The Council then went into Committee on a Bill Entitled "An Act to amend the Land Registry Act 1860."

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill complete with amendments, which were ordered to be engrossed and the Bill brought up for a 3rd reading at the next meeting of the Council.

The Council then adjourned till Tuesday next at 3 O'clock.

Henry Wakeford
Acting Colonial Secretary
in the absence of the President

# Wednesday, the 15th day of February, 1865

The Council met this day at 3 P.M.

Present: The [Acting] Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Acting Attorney [General] moved 2nded by the Colonial Secretary the 3rd reading of a Bill entitled "An Act to amend The Land Registry Act 1860," which was agreed to nem. con. and the Bill read a 3rd time and passed.

The Acting Attorney General introduced a Bill to regulate the Postal Service.

The Standing Orders of the Council were then suspended and the Bill read a first time, nem. con.

The following Bills were then read a 1st time:

A Bill respecting Common Schools.

A Bill to provide for taking the Census of the Colony and for obtaining other statistical information.

A Bill entitled The Mercantile Law Amendment Act.

A Bill respecting the Medical Board and Practitioners in Medicine and Surgery then came up for a 2nd reading on Motion of the Acting Attorney General 2nded by The Hon. R. Finlayson.

The President having put the motion

Ayes—The Acting Attorney General, Hon. R. Finlayson.

Noes—The Treasurer and Acting Colonial Secretary.

Motion lost.

The Council then adjourned to Tuesday next at 3 O'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Tuesday, the 21st day of February, 1865

The Council met this day pursuant to adjournment.

Present: The Acting Colonial Secretary, The Treasurer, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and agreed to.

The Acting Colonial Secretary stated that he was Commanded by His Excellency the Governor to lay before the Council the following Resolutions of the Legislative Assembly:

Vancouver Island

Resolutions Confirmed by the House 27th January 1865

Resolved, That this House after having taken into consideration the present state of the Colony is firmly convinced that it is expedient at the present time to observe the strictest economy in the public expenditure compatible with the efficiency of the public service, and that the immediate Union of this Colony with British Columbia under such Constitution as Her Majesty's Government may be pleased to grant is the means best adapted to prevent permanent causes of depression, as well as to stimulate trade, foster industry, develop our resources augment our population and ensure our permanent prosperity.

And this House pledges itself, in case Her Majesty's Government shall grant such union to ratify the same by Legislative enactment if required.

Resolved, That the above Resolution be transmitted to His Excellency the Governor with the respectful request that he may take the same into his earnest and immediate consideration.

(signed) R. W. Torrens Clerk of the House

The Resolutions were ordered to be laid upon the table.

The Acting Colonial Secretary brought in a Bill to amend "the City of Victoria Incorporation Act 1862" and moved that the Standing orders of the Council be suspended and the Bill read a 1st time.

The Treasurer seconded the motion which was agreed to nem. con. and the Bill read a 1st time.

The Bill was then ordered to be brought up for a 2nd reading at the next meeting of the Council.

The Acting Colonial Secretary moved 2nd reading of "the Medical Registration Act 1865."

Hon. Henry Rhodes moved that the second reading be postponed. Agreed to nem. con.

The School Bill came up a 2nd reading and on motion of the Acting Colonial Secretary 2nded by Hon. H. Rhodes and agreed to nem. con. was ordered to be referred to a select Committee.

The Bill for taking a Census of the Colony came up for a 2nd reading and on motion of the Hon. the Acting Colonial Secretary 2nded by Hon. H. Rhodes was ordered to be referred to a select Committee.

"The Mercantile Law Amendment Bill" was on motion of the Treasurer 2nded by Hon. H. Rhodes read a 2nd time—nem. con.

A Bill to regulate the Postal Service of the Colony came up for a 2nd reading on motion of the Hon. Acting Colonial Secretary.

2nded by The Treasurer.

2nd reading deferred till Attorney General be present.

The Council then adjourned till Friday next at 3 O'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Friday, the 24th day of February, 1865

The Council met this day pursuant to adjournment.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General, The Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and Confirmed.

The Acting Colonial Secretary moved the 2nd reading of A Bill entitled "An Act to explain and amend the Victoria Incorporation Act, 1862."

2nded by the Hon. H. Rhodes and the Bill was read a 2nd time.

The Acting Attorney General moved that the Standing Orders of the Council be suspended and the Council go into Committee on the Bill. Agreed to nem. Con.

The Council then went into Committee on the Bill.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again.

Leave granted.

The Council then adjourned till Monday next at 3 O'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Monday, the 27th day of February, 1865

The Council met this day at three O'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Acting Surveyor General, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Council resumed the consideration in Committee, of a Bill entitled "An Act to explain and amend 'the Victoria Incorporation Act, 1862'."

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again.

Leave granted.

The Hon. R. Finlayson gave notice that he would move at the next meeting that the Council take into consideration the Resolutions passed by the Legislative Assembly on the state of the Colony and laid on the Council Table by Command of His Excellency on the 21st instant.

The Council then adjourned till Wednesday next the 1st March 1865.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Wednesday, the 1st day of March, 1865

The Council met this day at 3 P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General, The Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Hon. R. Finlayson gave notice that he would introduce at the next meeting of the Council certain Resolutions in regard to the Union of this Colony with British Columbia.

The Acting Colonial Secretary laid on the Table the following Report of the Select Committee on the Census Bill—

27th February 1865.

Your Committee have considered "A Bill to provide for taking the Census of the Colony and for obtaining other statistical information" and are of opinion that in the absence of any sufficient machinery which would be provided by the creation of Registrars of Births Deaths and Marriages it is not at present practicable to carry out the provisions of the proposed Bill and that therefore it should be postponed.

Your Committee further beg to report that being impressed with the importance of collecting statistics at an early period they are of opinion that His Excellency the Governor should be requested to take such steps for that purpose as he may deem desirable pending Legislation on the subject.

The Acting Colonial Secretary gave notice that he wd. move at next meeting of Council that the Report be adopted by the Council and

That this Council is impressed with the importance of collecting Statistics at an early period and that His Excellency the Governor be respectfully requested to take such steps for that purpose as he may deem desirable pending Legislation on the subject.

The Hon. H. Rhodes moved that A Bill Entitled An Act to explain and amend the Victoria Incorporation Act, 1862 be read a 3rd time.

The Acting Colonial Secretary 2nded the motion.

The Acting Attorney General moved that the Standing orders of the Council be suspended and the Bill be recommitted. 2nded by the Treasurer and carried.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again. Leave granted.

The Acting Attorney General moved that A Bill Entitled An Act to provide for the Postal Service be read a 2nd time.

Acting Colonial Secretary 2nded the motion and the Bill was read a 2nd time.

The Council then went into Committee on the Bill.

The Hon. Henry Rhodes in the Chair.

The President having resumed the Chair.

The Hon. H. Rhodes reported progress in the Bill and asked leave to sit again.

Leave having been granted.

The Council adjourned to tomorrow at 3 oclock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

## Thursday, the 2nd day of March, 1865

The Council met this day pursuant to adjournment.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General, The Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Council resumed the consideration in Committee of a Bill Entitled an Act to explain and amend "The Victoria Incorporation Act 1862."

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill complete with Amendments.

- Mr. Finlayson pursuant to notice introduced the following Resolutions which were 2nded by the Hon. Henry Rhodes—
  - 1. That Her Most gracious Majesty may be requested to annex the Colony of Vancouver Island to the Colony of British Columbia.
  - 2. That Her Most gracious Majesty may be pleased to direct the passage of An Act of the Imperial Parliament to provide a Constitutional mode of Government with representation on the basis of population to the British Possessions in the North Pacific.
- The Treasurer handed in the following Amendment to the proposed Resolutions of the Hon. R. Finlayson

That this Council regards it as undesirable to express an opinion as to the expediency or otherwise of uniting the Colonies of Vancouver Island and British Columbia.

The Chairman having put the amendment of the Treasurer—the following were the Ayes and noes.

For the Amendment—The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, the Acting Surveyor General.

Against the Amendment—Hon. R. Finlayson and the Hon. H. Rhodes—amendment carried.

The Acting Colonial Secretary pursuant to notice moved the following resolutions.

Resolved, "That this Council do adopt the Report of the Select Committee to whom was referred A Bill to provide for taking the Census of the Colony and for obtaining other statistical information."

Resolved, That this Council is impressed with the importance of collecting statistics at an early period and that His Excellency the Governor be respectfully requested to take such steps for that purpose as he may deem desirable pending legislation on the subject.

2nded by the Acting Attorney General and agreed to nem. con.

The Hon. H. Rhodes gave notice that he would hand in a Protest against the Resolution of the Council in regard to Union of this Colony with British Columbia.

The Council on motion of the Acting Attorney General then went into Committee on a Bill Entitled "An Act to establish the Postal service."

The Hon, H. Rhodes in the Chair.

The President having resumed the Chair.

The Hon. H. Rhodes reported progress in the Bill and asked leave to sit again.

Leave having been granted.

The Council adjourned to tomorrow at 3 O'clock.

Tho. L. Wood Acting Attorney General in the absence of the President.

# Friday, the 3rd day of March, 1865

The Council met this day pursuant to adjournment.

Present: The Acting Attorney General, The Treasurer, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

The Treasurer rose to a question of privilege and requested that the following Statement might be entered on the Minutes of the Council—

In the report of the proceedings of this Council as published in the "British Colonist" newspaper the Treasurer is reported to have said that he was not prepared to say "that it (Union) was altogether desirable as it might work injuriously in some respects."

What I did say was this (speaking of the Resolutions of the House of Assembly) "That the request by the representatives of the people of this Colony would no doubt receive the earnest consideration of Her Majesty's Government, but it was not for me to say that Union however desirable or otherwise, could be granted by Her Majesty's Government. That it is quite immaterial whether we have union or annexation as in either case our political privileges would be regarded in the joining

together of our political institutions and that in the event of Her Majestys Government being unable to bring about the amicable union sought by the House of Assembly no doubt annexation would be the next step".

The Acting Attorney General and the Hon. Henry Rhodes coincided with the remarks of the Hon. the Treasurer as to the inaccuracies in the newspaper reports—and the correction of the Treasurer was ordered to be placed on the Minutes.

The Council then adjourned till Monday next at 3 o'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Monday, the 6th day of March, 1865

The Council met this day at 3 O'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Hon. Henry Rhodes handed in the following Protest which was ordered to be placed on the Minutes.

To the Honorable The President of the Legislative Council

We the undersigned being the only unofficial Members of the Legislative Council present at the meeting on the 2nd instant and being Merchants in the City of Victoria do protest against the Resolution of the Legislative Council in regard to the Union Resolutions which then came up for discussion, Because,

1st The Resolution "That the Council regard it as undesirable to express an opinion as to the expediency or otherwise of uniting the Colonies of Vancouver Island and British Columbia" was carried by the official Members of the Council only who are at all times the majority of the said Council.

2nd We consider it unwise and impolitic to postpone indefinitely the consideration of the subject for the reason that we know the feeling of the Colony to be in favour of union of the Colonies and that since the question has been so thoroughly considered recently and the entire community agitated upon the subject the present is the most desirable time for decisive action in the matter.

That the postponement of the settlement of the question will greatly disturb commerce prevent enterprise and do much injury to both Colonies, while on the other hand the sooner the question is settled the better it must be for all the interests of both Colonies.

Victoria March 6, 1865

(signed) Henry Rhodes Rodk, Finlayson

The Council then resumed the consideration in Committee of The Postal Service Bill Clause XIII.

Hon. Henry Rhodes in the Chair. The President having resumed the Chair. The Hon. H. Rhodes reported progress in the Bill and asked leave to sit again.

Leave having been granted.

The Council adjourned till Wednesday next at 3 o'clock.

Tho. L. Wood
Acting Attorney General
in the absence of the President

#### Wednesday, the 8th day of March, 1865

The Council met this day pursuant to adjournment.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read returning A Bill entitled An Act to amend "the Land Registry Act 1860" and agreeing to the Amendments of the Council thereto— excepting two.

The Council then went into Committee on A Bill entitled An Act to provide for the Postal Service Clause XXIII.

The Hon. Henry Rhodes in the Chair.

The President having resumed the Chair.

The Hon. Henry Rhodes reported progress in the Bill and asked leave to sit again.

Leave having been granted.

The Council adjourned to Saturday next at 2 o'clock.

Henry Wakeford Acting Attorney General in the absence of the President

# Saturday, the 11th day of March, 1865

The Council met this day at 2 o'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Council went into Committee on A Bill Entitled "the Mercantile law Amendment Act."

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill as having been progressed with and asked leave to sit again.

Leave having been granted.

The Council adjourned till Monday next at 3 o'clock.

T. L. Wood Acting Attorney General in the absence of the President

### Monday, the 13th day of March, 1865

The Council met this day at 3 o'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. H. Rhodes.

The Minutes of the last meeting having been read and Confirmed.

A message from the Legislative Assembly was read transmitting A Bill entitled An Act to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil cases.

The Bill was read a 1st time.

The Council then went into Committee on A Bill Entitled An Act to Establish the Postal Service.

The Hon. Henry Rhodes in the Chair.

The President having resumed the Chair.

The Hon. Henry Rhodes reported the Bill complete with admendments.

The Bill was then ordered to be brought up for a 3rd reading at the next meeting of the Council.

The Counter Amendments of the Legislative Assembly to the Amendments of the Council to a Bill Entitled "An Act to amend The Land Registry Act, 1860" were considered by the Council and agreed to—nem. con.

The Council then resumed the Consideration in Committee of A Bill Entitled "the Mercantile Law Amendment Act, 1865."

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again. Leave having been granted.

The Council adjourned till tomorrow at 3 o'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Tuesday, the 14th day of March, 1865

The Council met this day pursuant to adjournment—(at 3 P.M.)

Present: The Acting Colonial Secretary, The Colonial Treasurer, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and agreed to.

A Bill Entitled An Act to establish the Postal Service was read a 3rd time and passed.

The Council then adjourned to tomorrow at 3 o'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Wednesday, the 15th day of March, 1865

The Council met this day at three P.M. pursuant to adjournment.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. H. Rhodes.

The Minutes of the last meeting having been read and agreed to.

The Council resumed the consideration in Committee of A Bill Entitled the Mercantile law Amendment Act, 1865.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill complete with amendments.

The Council then adjourned sine die.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Friday, the 17th day of March, 1865

Present: The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Hon. Henry Rhodes.

The Council met this day pursuant to adjournment.

The Minutes of the last meeting having been read and agreed to.

A Bill to amend the Mercantile Law Act was read a third time and passed.

A Bill respecting Common Schools was read a 2nd time.

The Chairman of the Select Committee on a Bill respecting Common Schools handed in the following report.

Your Committee have considered this Bill and beg to recommend that it should be passed with the following modifications.

Strike out Clause 1.

Amend Clause 2 to read as follows;

I. It shall be lawful for the Governor from time to time to appoint not less than five persons who shall constitute a General Board of Education, three of whom shall form a quorum.

Amend Clause 3 to read as follows,

II. It shall be lawful for the Governor to appoint a Superintendent of Education for the said colony, who shall *ex officio*, be Secretary of the said Board, and record the proceedings thereof.

Insert between clauses 2 and 3 the following which become clauses 2 and 3,

The General Board of Education shall be a body corporate, with all the general powers by law affecting or relating to bodies corporate, and all school property shall be vested in such General Board. The General Board of Education shall meet at least once a month, and shall report to the Governor as to the state and condition of common schools, and other particulars relating thereto, at such times and in such manner and form as the Governor shall from time to time in that behalf direct.

Strike out clauses 4 and 5.

Amend clause 5 as follows,

IV. It shall be lawful for the said Board from time to time, with the approval of the Governor, to establish as many school districts in the said colony as they shall deem expedient, and to prescribe such course of education and discipline, and to select and prescribe for use in each district school such books as they may think best, and to authorized the purchase and distribution thereof.

Strike out clauses 7 to 40 and substitute for them the following,

V. It shall be lawful for the Governor from time to time to appoint such persons as he shall think fit, to be teachers of Common Schools.

VI. It shall be lawful for the Governor, from time to time, to appoint a local Board of Education, of not less than three persons, in any school district, if he shall think it expedient so to do.

VII. Such last named Board shall have power and authority to visit and report on the state of the schools within its district, for the information and guidance of the General Board of Education.

VIII. The general mode of transacting business by such Local Board of Education, and the nature of the reports to be furnished, shall be subject to the order and direction of the General Board of Education.

IX. The duties of all Teachers of Common Schools shall be subject to the order and direction of the General Board of Education.

X. It shall be the duty of the Superintendent of Education to visit Common Schools and report thereon, by the order and according to the instructions of the General Board of Education.

Amend clause 42 by inserting the word "General" before the word Board. Strike out clauses 43 to 55 and substitute the following,

XIII. Every Common School shall be open to the children of persons of all denominations, with power of expulsion in case of gross misconduct, at the discretion of the General Board of Education.

XIV. The General Board of Education shall have power to regulate the amount of School fees payable for Educational purposes in any Common School, so, however, that the same do not exceed fifty centimes per month for each scholar, and shall have power, if occasion require, to remit the payment of such fees in whole or in part. Provided always that such fees shall be applied by the said board to such school purposes as they may see fit.

The Hon. H. Rhodes moved 2nd by the Acting Attorney General that the Report be adopted as an amendment to the Bill sent down by the Lower House.

Agreed to nem. con.

The Standing Orders having been suspended.

The Bill was read a 3rd time & passed.

The Acting Attorney General moved the 2nd reading of the Medical Bill.

The Treasurer 2nded. Carried.

Acting Attorney General and Treasurer Content.

Mr. Rhodes non content. The Acting Colonial Secretary non content.

The Chairman gave his casting vote in favour of the Second reading.

Mr. Rhodes moved that Bill be referred to Select Committee. Treasurer seconded, carried.

Council adjd. sine die.

Henry Wakeford
Acting Colonial Secretary
in the absence of the President

# Friday, the 24th day of March, 1865

The Council met this day pursuant to a notice by the President.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and agreed to.

The Acting Attorney General moved that the Standing orders of the Council be suspended in order to [permit] the introduction of A Bill relating to Gold Mining.

The Treasurer 2nded. Agreed to nem. con.

The Acting Attorney General moved that the Bill be read a 1st time pro forma.

The Treasurer moved that the Bill be printed.

The Hon. H. Rhodes 2nded. Agreed to nem. con.

The Bill was thereupon ordered to be printed.

The Acting Colonial Secretary moved that A Bill to amend the Law of Evidence be read a 1st time.

Agree to nem. con.

The Acting Colonial Secretary moved that the standing orders of the Council be suspended with a view to the introduction of a Bill to amend the Law of Evidence.

The Treasurer 2nded. Agreed to nem. con.

A Message from the Legislative Assembly was read transmitting a Bill to apply the sum of Two Hundred and ninety eight thousand six hundred and eighteen Dollars and Twenty five Cents out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the year one thousand eight hundred and sixty five.

The Acting Colonial Secretary moved that the standing orders of the Council be suspended.

The Treasurer 2nded. Agreed to nem. con.

The Acting Colonial Secretary moved that the Bill be read a 1st time.

The Treasurer 2nded. Agreed to.

Bill read a 1st time.

The Acting Colonial Secretary moved that the Standing Orders of the Council be suspended—(The Treasurer 2nded) and that the Bill be read a 2nd time. Agreed to nem. con.

The Council then went into Committee on the Bill.

The Acting Colonial Secretary in the Chair.

The President having resumed the Chair.

The Acting Colonial Secretary reported progress and asked leave to sit again. Leave granted.

The Council then adjourned till Monday the 27th March at 3. P.M.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Tuesday, the 28th day of March, 1865

The Council met this day pursuant to adjournment.

Present: The Acting Colonial Secretary, The Treasurer, The Surveyor General, Hon. R. Finlayson.

The Minutes of the last meeting having been read and Confirmed.

The Council resumed the Consideration in Committee of the Appropriation Bill.

The Acting Colonial Secretary in the Chair-

The President having resumed the Chair.

The Bill was reported complete without amendments.

The Acting Colonial Secretary moved that the Bill be read a 3rd time and passed.

Hon. R. Finlayson 2nded.

The Bill was then read a 3rd time accordingly and passed the Council.

The Council then adjourned sine die.

Henry Wakeford Acting Colonial Secretary in the absence of the President

### Friday, the 7th day of April, 1865

The Council met this day at 3 P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Acting Colonial Secretary moved that A Bill to Amend the Law of Evidence be read a 2nd time.

The Acting Attorney General 2nded the motion.

Bill read a 2nd time nem. con.

The Council then went into Committee on the Bill.

The Treasurer in the Chair.

The President having resumed the Chair.

The Treasurer reported the Bill without amendments.

The Hon. H. Rhodes moved that the Standing orders of the Council be suspended and the Bill read a 3rd time.

2nded by Hon. R. Finlayson—and the Bill was read a 3rd time and passed the Council.

The Acting Attorney General moved that A Bill relating to Gold Mining be read a 2nd time.

Treasurer 2nded.

Bill read a 2nd time.

The Council then went into Committee on the Bill.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again.

Leave granted.

The Council adjourned to Monday at 3. o'clock.

Henry Wakeford
Acting Colonial Secretary
in the absence of the President

## Monday, the 10th day of April, 1865

The Council met this day at 3 o'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

The Council resumed the consideration in Committee of A Bill relating to Gold Mining.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again.

Leave having been granted.

The Council adjourned to Wednesday next at 3. o'clock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

## Wednesday, the 12th day of April, 1865

A quorum of members not being present there was no meeting.

Henry Wakeford Acting Colonial Secretary in the absence of the President

## Tuesday, the 18th day of April, 1865

The Council met this day at 3 P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The consideration in Committee of A Bill relating to Gold Mining was resumed.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill complete with amendments.

The Hon. Henry Rhodes moved that the Standing orders of the Council be suspended.

The Acting Attorney General 2nded and the Bill was read a 3rd time and passed the Council.

A message from the Legislative Assembly was read agreeing to certain of the amendments of the Council to A Bill respecting Common Schools with certain exceptions.

The Council agreed to the counter amendments of the House saving the following.

It insisted upon its amendment striking out Clause 4 of the Bill.

It agreed to the amendment of the House on the amendment of the Council striking out clauses from 43 to 55 to the extent of erasing the word "with" and inserting the word "the" and "shall be" only.

It adhered also to its amendment granting the Board of Education power to regulate the amount of School Fees.

The Council then adjourned sine die.

Henry Wakeford Acting Colonial Secretary in the absence of the President

## Tuesday, the 2nd day of May, 1865

The Council met this day at 3 P.M.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read transmitting the following Bills.

A Bill entitled An Act to exempt the Homestead and other property from forced seizure and sales in certain cases.

A Bill respecting the registration of Births Deaths and Marriages in Vancouver Island.

A Bill to amend the manner of taking the verdict of a Jury in Civil Cases.

A Bill for securing Liens to Mechanics and others.

A Bill entitled An Act respecting weights and Measures, and returning A Bill for obtaining a Declaration of Title amended by the House as follows, by erasing the words "shall come into operation on the first day of May one thousand eight hundred and sixty five" in Clause 58.

On motions of the Acting Colonial Secretary the first five Bills were read a 1st time.

The Acting Colonial Secretary presented the report of the Select Committee on A Bill respecting the Medical Board and practitioners in Medicine and Surgery and moved the adoption thereof.

The Hon. Henry Rhodes 2nded and the report was adopted nem. con.

The Council then adjourned sine die.

Henry Wakeford
Acting Colonial Secretary
in the absence of the President

### Friday, the 12th day of May, 1865

The Council met this day pursuant to Notice.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of the last meeting having been read and confirmed.

- A message from the Legislative Assembly was read transmitting A Bill respecting the descent of Real property.
- A message was also read transmitting A Bill respecting Common Schools, the Legislative Assembly insisting on their counter amendments on the amendments of the Council to the Bill.

The Acting Colonial Secretary moved that the counter amendments of the Legislative Assembly be agreed to.

The Acting Attorney General 2nded and the amendments were agreed to nem. con.

- The Amendment of the Legislative Assembly to A Bill for obtaining a Declaration of Title then came up and was agreed to by the Council.
- The Council then adjourned to Tuesday next the 16th inst.

David Cameron C.J. President

# Wednesday, the 17th day of May, 1865

The Council met this day at 3 O'clock pursuant to a notice by the President-

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and agreed to.

The Acting Attorney General moved that a Bill respecting the Medical Board and Practitioners in medicine and Surgery be recommitted.

The Acting Colonial Secretary 2nded and the Bill was recommitted accordingly.

The Bill was then reported complete with amendments and ordered to come up at next meeting of the Council for a 3rd reading.

The Acting Attorney General moved that A Bill to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil Cases be read a 2nd time.

The Acting Colonial Secretary 2nded and the Bill was read a 2nd time nem, con.

A Bill entitled An Act to increase the jurisdiction of the Inferior Court of Civil Justice to the sum of Two Hundred pounds came up for a 2nd reading and on the question being put

The 2nd reading of the Bill was lost nem. con.

A Bill respecting the descent of real property was read a 1st time.

The Council then adjourned till tomorrow.

David Cameron C.J. President

### Thursday, the 18th day of May, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Hon. the Acting Attorney General, The Treasurer.

The Minutes of the last meeting having been read and confirmed.

- A message was read from the Legislative Assembly transmitting A Bill to amend the Law as to imprisonment for Debt—Which Bill was read a 1st time.
- A Bill respecting the Medical Board and Practitioners in Medicine and Surgery was then read a 3rd time and passed with amendments.

The Council then adjourned till Monday next the 22nd inst. at 3 o'clock.

David Cameron C.J. President

# Monday, the 22nd day of May, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General.

The Minutes of the last meeting having been read and agreed to.

- A message from the Legislative Assembly was read returning A Bill relating to Gold Mining with amendments thereto.
- The Council then went into Committee on a Bill to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil Cases.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill and asked leave to sit again.

Leave having been granted.

The Acting Attorney General moved and the Acting Colonial Secretary 2nded,

That a Select Committee of the Members present be formed for the purpose of considering the form of Amendments to be made to the Bill entitled "An Act to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil Cases."

Agreed to nem. con.

The Council adjourned to tomorrow Tuesday the 23rd May 1865.

David Cameron C.J. President

#### Tuesday, the 23rd day of May, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of the last meeting having been read & confirmed.

The Acting Attorney General handed in a Report from the Select Committee on A Bill to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil Cases.

The Chief Justice moved that the Report be adopted.

The Acting Attorney General 2nded and the report was agreed to nem. con. The Council then adjourned to Friday next at 3 o'clock.

David Cameron C.J. President

# Friday, the 26th day of May, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General.

The Minutes of the last meeting having been read and agreed to.

The Amendments of the Legislative Assembly to a Bill relating to Gold Mining came up for Consideration and were agreed to save with a further amendment by the Council to Clause 28—viz.

That the first part of the Clause be amended by the omission of the words from Commencement down to the word "and" before the words "all penalties."

- A message from the Legislative Assembly was read transmitting A Bill to amend an Act passed in the year of our Lord 1862 entitled "An Act to repeal and amend the Laws affecting Trade Licences," which was read a 1st time.
- A Bill to amend the manner of taking the verdict of a Jury in Civil Cases was on motion of the Attorney General 2nded by the Chief Justice read a 2nd time.

The Council then went into Committee on the Bill.

The Acting Colonial Secretary in the Chair.

The President having resumed the Chair.

The Acting Colonial Secretary reported the Bill Complete with amendments and the Bill was thereupon ordered to be brought up for 3rd reading at the next meeting of the Council.

A Bill respecting the registration of Births Marriages and deaths in Vancouver Island was read a 2nd time.

The Council then adjourned till Monday next the 29 Instant at 3 oclock.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Monday, the 29th day of May, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read returning A Bill relating to Gold Mining the further amendment of the Council upon the amendment of the Assembly to clause 28 not having been agreed to.

Upon motion by the Acting Colonial Secretary 2nded by the Hon. Henry Rhodes, it was resolved that the Council request a Conference with the Lower House upon the subject of the Amendment.

- A Bill to amend the manner of taking the Verdict of a Jury in Civil Cases was read a third time and passed with amendments.
- A Bill to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil Cases was read a third time and passed with amendments.
- A Bill for securing Liens to Mechanics and others came up for a 2nd reading and upon motion of the Acting Colonial Secretary 2nded by the Hon. Henry Rhodes was ordered to be read this day 6 months, nem. con.
- A message from the Legislative Assembly was then read returning A Bill Entitled "the Vancouver Island mercantile Law Amendment Act" the amendments of the Council thereto having been agreed to with certain exceptions.

On motion of the Treasurer 2nded by Hon. H. Rhodes the Council agreed to insist upon their Amendments.

Messages from the House were also read transmitting the following Bills, viz.

A Bill to amend the Victoria Harbour Dues Act.

A Bill to make better provision for the Custody of the Estates of deceased persons

which were read a 1st time.

On motion of the Acting Colonial Secretary A Bill to amend An Act passed in the year of our Lord 1862 entitled "An Act to repeal and amend the Laws affecting Trade Licences" was read a 2nd time.

The Acting Attorney General moved, The Treasurer 2nded That "A Bill to amend the Law as to imprisonment for Debt" be read a 2nd time.

Agreed to nem. Con.

A Bill to exempt the Homestead and other property from forced seizure and sales in certain cases came up for a 2nd reading.

The Treasurer moved that the Bill be read this day 6 months.

The Acting Attorney General moved that the Bill be read a 2nd time.

Hon. Henry Rhodes 2nded.

The President having put the amendment to the question.

The Bill was read a 2nd time.

A Bill respecting weights and measures was read a 2nd time.

A Bill respecting the descent of real Property was read a 1st time.

The Council then adjourned till tomorrow at 3 o'c.

David Cameron C.J. President

## Thursday, the 1st day of June, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

Messages from the Legislative Assembly were read transmitting the following Bills viz.:

A Bill to impose landing permit dues on the importation of certain stock and carcasses and

A Bill to amend the Law relating to the Representation of Vancouver Island and its Dependencies

which were read a 1st time.

- A message was also read transmitting A Bill to repeal a portion of "the First Telegraph Act 1864" which had passed the Legislative Assembly.
- A Message from the Legislative Assembly was also read requesting a Conference with the Council on the subject of the Amendments to the Medical Bill and to a Bill to amend the Mercantile Law Act.
- A Bill to amend "the Victoria Harbour Dues Act" then came up for a 2nd reading.

  The Hon. R. Finlayson moved 2nded by the Hon. Henry Rhodes that the Bill be read this day six months.

The Acting Colonial Secretary moved that the Bill be read 2nd time. 2nded by Hon. the Acting Attorney General and carried.

For 2nd reading Chief Justice, Acting Colonial Secretary, Acting Attorney General, Treasurer.

Against-Hon. Henry Rhodes & Hon. R. Finlayson.

The Council then went into Committee on a Bill entitled The Trade Licence Amendment Act 1865.

The Chief Justice in the Chair.

The Bill was reported progress with Clause 1 having been postponed.

The Council then adjourned to tomorrow at 3.

David Cameron C.J. President

## Friday, the 2nd day of June, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Council took under consideration a Message from the Legislative Assembly requesting a Conference with the Council upon the subject of the Amendments made by the Council to the Medical Bill and the Mercantile Law Amendment Bill.

The Council agreed to have a Conference with the Lower House and appointed Wednesday next at two oclock for the purpose.

The Council then resolved itself into Committee upon A Bill to amend An Act entitled "An Act to repeal and amend the Laws affecting Trade Licences."

The Chief Justice in the Chair.

The President having resumed the Chair.

The Chief Justice reported the Bill complete with Amendments.

A message was read from the Legislative Assembly insisting on their Amendment to a Bill relating to Gold Mining in Clause 28.

The Council then went into Committee on a Bill to Amend the Victoria Harbour Dues Act 1862.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Bill was reported progress with.

The Council then adjourned to Wednesday next at 3 o'clock.

David Cameron C.J. President

### Wednesday, the 7th day of June, 1865

Present: The Chief Justice, The [Acting] Colonial Secretary, Mr. Rhodes, The Acting. [Acting] Atty. Genl.

The Minutes of the last meeting having been read and confirmed.

A Message from the Legislative Assembly was read transmitting A Bill entitled "The Vancouver Island Jury Act 1865" the amendments of the Council thereto having been agreed to.

The Acting Colonial Secretary pursuant to notice moved that the Trade Licence Amendment Bill be recommitted.

The Hon. Henry Rhodes moved that it be postponed on account of the absence of the Hon. R. Finlayson.

The Bill was postponed accordingly.

The Council then resumed the consideration in Committee of A Bill to amend "the Victoria Harbour Dues Act."

The Chief Justice in the Chair.

The Bill was reported complete with amendments and ordered to be brought up for 3rd reading at the next meeting of the Council.

The Acting [Colonial Secretary] moved the 2nd reading of a Bill entitled the Stock and Carcass Act 1865.

The Acting Attorney General 2nded and the Bill was read a 2nd time.

The Hon. Henry Rhodes non content.

The Acting Colonial Secretary moved 2nded by the Actg. Attorney General That the Standing orders of the Council be suspended and the Council go into Committee on the Bill.

The Hon. Henry Rhodes non content.

The Council then went into Committee on the Bill.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill from the Committee complete as amended.

The Bill was then ordered to be brought up for a 3rd reading at the next meeting of the Council.

A Bill respecting the descent of Real Property then came up for a 2nd reading—and on motion of the Acting Attorney General 2nded by the Acting Colonial Secretary the Bill was ordered to be read this day six months nem. con.

The Council then adjourned till 3 o'clock tomorrow.

David Cameron C.J. President

#### Thursday, the 8th day of June, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Acting Surveyor General, The Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Acting Colonial Secretary moved the 3rd reading of A Bill to amend the Victoria Harbour Dues Act 1862.

The Acting Attorney General 2nded and the Bill was read a 3rd time.

The Hon. Henry Rhodes & Hon. R. Finlayson non content.

The Acting Colonial Secretary moved that A Bill entitled the Stock and Carcass Act be read a 3rd time.

The Acting Attorney General 2nded and the Bill was read a 3 time.

The Hon. R. Finlayson & the Hon. Henry Rhodes non content.

The Hon, the Acting Colonial Secretary moved the recommittal of the Trade Licence Amendment Bill.

The Acting Attorney General 2nded.

Agreed to. The Hon. Henry Rhodes & the Hon. R. Finlayson non content.

The Council then went into Committee on the Bill.

The Chief Justice in the Chair.

The Bill was reported complete with amendments.

The Acting Colonial Secretary moved 2nded by the Actg. Attorney General that the Standing orders be suspended which was agreed to. Hon. R. Finlayson & Hon. H. Rhodes dissenting.

Acting Colonial Secretary then moved that the Bill be read a 3rd time.

The Acting Surveyor General 2nded and the Bill was read a 3rd time and passed.

Hon. H. Rhodes & Hon. R. Finlayson opposing.

The Hon. Henry Rhodes gave notice of motion of Protest against the passing of the foregoing Bills.

A message was read from the Legislative Assembly requesting a conference with the Council on the subject of the Amendments to A Bill to grant Jurisdiction to Stipendiary Magistrates and Justices of the Peace.

The Council agreed to have a conference<sup>3</sup> tomorrow at 2 o'clock.

The President brought before the notice of the Council that a conference had taken place with the Legislative Assembly on the subject of the amendments to the Medical Bill and Mercantile law Bill and that it rested with the Council to accept the views of the Lower House or insist upon its own amendments.

The Council agreed to insist upon its amendments.

David Cameron C.J. President

<sup>3</sup> Original reads "Council."

### Tuesday, the 13th day of June, 1865

The Council met this day at 3 o'clock.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Council fixed Friday next at 2 O'clock for the Conference with the Lower House upon the subject of the Amendments to a Bill to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil Cases.

The Hon. Henry Rhodes pursuant to notice presented the following Protest.

To the Hon, the President of the Legislative Council

We the undersigned unofficial Members of the Legislative Council and being Merchants in the City of Victoria beg to record our Protest against the action of the Legislative Council in passing on the 8th instant the following Bills, namely A Bill to amend the Victoria Harbour dues Act 1862 and A Bill to impose landing Permit dues on the importation of Stock and Carcasses—as the said Bill although only professing to make a charge for landing permits on the goods yet impose in the first case, a small ad valorem duty, and in the second case a very heavy import duty upon all stock and meat imported, thereby destroying the Free Port which has already done so much towards establishing Victoria as a Commercial depot and upon the assumption of the continuance of which large sums have been invested in permanent improvements in Victoria which would not otherwise have been so invested and upon the maintenance of which in its fullest integrity during the Continuance of the existing relations with the Colony of British Columbia the undersigned believe that the prosperity of Victoria greatly depends.

The undersigned also protest against the action of the Legislative Council in passing a Bill to amend An Act passed in the year of our Lord 1862 entitled An Act to repeal and amend the laws affecting Trade Licences as by clause 1 a tax of 2½ per cent on all sales by Auction is imposed which they consider inexpedient and think that which as a source of revenue it will be almost unproductive it will interfere with and impose restrictions that cannot fail to be highly injurious to the business of the Colony.

Victoria V.I. June 13, 1865 (signed) Henry Rhodes (signed) Rodk. Finlayson The Council then went into Committee on Bill respecting the Registration of Births Marriages and Deaths.

The Hon. Henry Rhodes in the Chair.

The President having resumed the Chair.

The Bill was reported progress with and the Council adjourned to tomorrow at 3.

Henry Wakeford Acting Colonial Secretary in the absence of the President

### Wednesday, the 14th day of June, 1865

The Council met this day at 3 o'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of the last meeting having been read and confirmed.

- Messages from the Legislative Assembly were read agreeing to the Amendments of the Council to "A Bill entitled the Stock and Carcass Act, 1865" and To A Bill entitled the Harbour Dues Amendment Act 1865.
- A Message from the Legislative Assembly was also read returning A Bill entitled An Act to amend Act passed in the year of our Lord 1862 entitled An Act to repeal and amend the Laws affecting Trade Licences—the amendments of the Council thereto having only been agreed to in part.

The Acting Attorney General moved The Treasurer 2nded That the Council waive its amendments which have not been agreed to by the House—agreed to nem. con.

The Acting Attorney General requested that the following record might be entered on the records of the Council.

In passing The Trade Licence Bill Amendment Act 1865 the members of the Legislative Council now present desire to have it recorded that the amendments above referred to were in their judgment advisable as providing against manifest errors and omissions. The Amendments in Clause I were intended by this Council to prevent the section 37 of the Trade Licence Amendment Act of 1862 from being repealed as and from the time of the passing of this Act thereby absolving auctioneers from paying any tax in respect of sales for 5 months antecedent to the 1st day of June 1865.

The Amendment of Clause 5 was for the purpose therein clearly expressed and intended to remedy the practice of general traders especially in Country Districts taking out liquor licences with a view to escape taxation on their general business transactions.

For considerations however of general expediency the Members of the Legislative Council aforesaid deem it sufficient not to insist on this amendment but to put their reasons for such their amendments unmistakeably on the records of the Council.

The Council then [went] into Committee on a Bill respecting weight and measures.

The Treasurer in the Chair.

The President having resumed the Chair.

The Treasurer reported progress with the Bill and asked leave to sit again. Leave having been granted.

The Council adjourned to tomorrow a 3 o'clock.

David Cameron C.J. President

## Friday, the 16th day of June, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Acting Attorney General, The Acting Colonial Secretary, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Council resolved itself into Committee on A Bill respecting the registration of Births Deaths and Marriages.

The Hon. Henry Rhodes in the Chair.

The President having resumed the Chair.

The Hon. Henry Rhodes reported progress in the Bill and asked leave to sit again.

Leave having been granted.

Messages from the Legislative Assembly were read transmitting the following Bills.

A Bill to apply the sum of Fourteen Thousand nine hundred and forty dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the year 1865.

The Bill was read a 1st time.

A Bill entitled An Act to apply the sum of Thirty seven thousand six hundred and eight dollars and thirty nine cents for the service of the year one thousand eight hundred and sixty Four.

On motion of the Acting Colonial Secretary the Standing orders of the Council were suspended and the Bill read a 1st 2nd and 3rd time and passed.

The Council then adjourned till Monday next at 2 o'clock.

David Cameron C.J. President

#### Monday, the 19th day of June, 1865

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

A Bill to apply the sum of \$14940 to the service of the year 1865 was read a 2nd time.

On motion of the Acting Colonial Secretary the Standing orders of the Council were suspended and the Council went into Comtee. on the Bill.

The Acting Colonial Secretary in the Chair.

The President having resumed the Chair.

The Bill was reported complete and was read a 3rd time and passed.

The Council then went into Committee on A Bill respecting Weights & Measures.

The Treasurer in the Chair.

The President having resumed the Chair.

Progress with the Bill was reported and the Council adjourned to Wednesday next at 3.

Henry Wakeford Acting Colonial Secretary in the absence of the President

# Wednesday, the 21st day of June, 1865

The Council met at 3 o clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Hon. Henry Rhodes, The Hon. Treasurer.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read forwarding the following Bills.

A Bill to amend the Victoria Pilot Act 1864 which was read a 1st time.

A Bill to impose a Tax of one half of one per cent upon all Real Estate within the City of Victoria & for other purposes relating thereto which was read a 1st time.

The Acting Attorney General moved the suspension of the Standing orders. Agreed to nem. con, and the Bill was read a 2nd time.

The Council then went into Committee on the Bill.

The Treasurer in the Chair.

The President having resumed the Chair.

The Bill was reported complete without amendments.

The Standing orders being then suspended.

The Bill was read a 3rd time and passed.

The Council then went into Committee on a Bill respecting Births Deaths and Marriages.

Hon. Henry Rhodes in the Chair.

Progress having been reported with the Bill.

The Council adjourned to tomorrow at 3.

Henry Wakeford Acting Colonial Secretary in the absence of the President

### Thursday, the 22nd day of June, 1865

The Council met this day at 3 o'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Hon. R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Council resolved itself into Committee on A Bill respecting the Registration of Births Deaths and Marriages.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported the Bill complete with amendments and the Bill was ordered to be brought up for a 3rd reading at the next meeting of the Council.

A message from the House was read transmitting A Bill to impose a tax on Salaries and for other purposes which was read a 1st time nem. con.

The Council then went into Committee on A Bill respecting Weights and Measures.

The Treasurer in the Chair.

The President having resumed the Chair.

The Treasurer reported progress in the Bill.

The Council then adjourned to tomorrow at 3.

Henry Wakeford Acting Colonial Secretary in the absence of the President

#### Friday, the 23rd day of June, 1865

The Council met this day at 3 o'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and agreed to.

The Treasurer moved 2nded by the Acting Attorney General that A Bill to impose a tax on salaries and for other purposes be read a 2nd time.

Agreed to nem. con. and the Bill was read a 2nd time nem. con.

On motion of the Treasurer the Council went into Comtee, on the Bill.

The Treasurer in the Chair.

The President having resumed the Chair.

The Treasurer reported the Bill complete with amendments.

The Acting Attorney General then moved that the Bill be read a 3rd time and the Bill was read a 3rd time accordingly nem. con.

The Council then adjourned to Monday at 3 Oclock.

### Monday, the 26th day of June, 1865

The Council met at 3 Oclock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer.

The Acting Attorney General introduced A Bill to explain the Chief Justices Salary Act 1864 which was read a 1st and 2nd time nem. con.

A Bill respecting the registration of Births Marriages and Deaths was then read a 3rd time and passed.

The Council then adjourned till tomorrow at 3.

Henry Wakeford Acting Colonial Secretary in the absence of the President

## Tuesday, the 27th day of June, 1865

The Council met this day at 3 O'clock.

Present: The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Honbles. R. Finlayson, Henry Rhodes.

The Minutes of the two last meetings having been read and confirmed.

A Bill entitled An Act to Explain the Chief Justices Salary Act 1864 was read a 3rd time.

The Council then went into Committee on A Bill respecting weights and measures.

The Treasurer in the Chair.

The President having resumed the Chair the Treasurer reported the Bill Complete with Amendments.

The Acting Attorney [General] moved that the Standing Orders of the Council be suspended.

The Treasurer 2nded nem. con.

And the Bill was read a 3rd time.

The Acting Attorney General moved that A Bill to amend the law as to imprisonment for Debt be read a 2nd time nem. con. and the Bill was read a 2 time.

The Council then went into Committee on the Bill.

The Acting Attorney General in the Chair.

The President having resumed the Chair.

The Acting Attorney General reported progress in the Bill.

A Message from the Legislative Assembly was read returning A Bill to impose a Tax on Salaries and for other purposes the Amendments of the Council thereto not having been agreed to.

The Council thereupon agreed not to insist upon its amendments.

The Council then adjourned to Wednesday at 3.

Tho. L. Wood Acting Attorney General in the absence of the President

## Wednesday, the 28th day of June, 1865

A quorum of Members not being present.

The Council was adjourned to Thursday next at 3.

# Thursday, the 29th day of June, 1865

The Council met at 3 P.M.

Present: The Chief Justice, The Acting Attorney General, The Treasurer, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

In the absence of the other Members of the Council the Members present agreed to adjourn the meeting sine die.

David Cameron C.J.
President

[Memo:] Minutes up to above date sent home Nov. 65.

### Monday, the 3rd day of July, 1865

The Council met this day at 3 P.M.

Present: The Chief Justice, The Colonial Secretary, The Treasurer, The Surveyor General, The Honble. Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

Messages from the Legislative Assembly were read.

- No. 1. Returning Chief Justices Salary Explanation Bill with no amendments.
- 2. Transmitting a Bill to regulate the payment and application of fees for Marriage licences—which was read a 1st time.

The Council then adjourned to Thursday next at 3. O'clock.

David Cameron C.J. President

### Friday, the 7th day of July, 1865

The Council met at one O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hon. H. Rhodes.

The Minutes of the last meeting having been read & confirmed and the Members of the Legislative Assembly being present—His Excellency The Governor delivered the following Speech.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly.

The period has now arrived when I am able to release you from further attendance on your legislative duties.

I have in the name and on behalf of Her Majesty assented to the following Acts passed during the Session:

An Act for the Election of a Mayor and Councillors for the City of Victoria, on the 8th day of November, 1864.

An Act respecting Barristers and Attorneys at Law.

An Act to apply the sum of \$298,618.25 out of the general revenue of the Colony of Vancouver Island and its dependencies to the service of the year 1865.

An Act to amend the Land Registry Act, 1860.

An Act respecting Common Schools.

An Act for obtaining a Declaration of Title.

An Act to repeal a portion of the First Telegraph Act, 1864.

An Act to Amend the Manner of Taking the Verdict of a Jury in Civil Cases.

An Act to Impose Landing Permit Dues on the Importation of certain Stock and Carcases.

An Act to amend the Victoria and Esquimalt Harbour Dues Act, 1862.

An Act to amend an Act passed in the year of our Lord 1862 entitled "An Act to repeal and amend the Laws affecting Trade Licences."

An Act to grant a Supplemental Supply of \$37,608.39, for the service of the year 1864.

An Act to apply the sum of \$14,940 out of the general revenue of the Colony of Vancouver Island and its dependencies, to the service of the year 1865.

An Act to impose a Tax of one half of one per centum on all real estate within the City of Victoria and for other purposes relating thereto.

An Act to impose a Tax on Salaries, and for other purposes.

An Act to explain the Chief Justice Salary Act, 1864.

I reserved "A Bill to appropriate the sum of £1200 sterling per annum from the general revenue of the colony for the salary of a Chief Justice," and the explanatory Bill since passed will, I anticipate, insure its allowance by Her Majesty.

Of these Acts I may more particularly advert to the Act to amend the manner of taking the verdict of a jury in civil cases, and that respecting Common Schools.

I anticipate substantial benefits to the community will result from these measures, and I confidently rely on the honour and character of the gentlemen composing the Board of Education for a faithful and impartial administration of their high trust in the spirit intended by the Legislature.

Gentlemen of the Legislative Assembly:

The supplies you have granted will be administered with the strictest economy consistent with the efficiency of the public service.

I have to thank you for the provision made for a residence for the Governor of this Colony, which I hope to have ready for occupation, if not completed, at a cost considerably less than the sum you have so liberally voted.

Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:

I now in Her Majesty's name prorogue this Council and Assembly, and they are hereby prorogued accordingly to the 3rd October next.

# Tuesday, the 28th day of November, 1865

Pursuant to a Proclamation summoning the Legislature to meet on Tuesday the 28th day of November, 1865, for the dispatch of business. The Members of the Legislative Council and Assembly attended in the Legislative Council Chamber at one O'clock when His Excellency the Governor delivered the following Speech.

Hon. Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:

I have deferred calling you together until this late period of the year in the expectation that I should be thereby enabled to submit to you in some conclusive form matters affecting the settlement of important questions concerning the future condition and prosperity of the Colony. In that hope I regret I am compelled to inform you I have been disappointed.

- 2. Despatches from Her Majesty's Secretary of State for the colonies on the subject of the Crown Lands of Vancouver Island will be laid before you. I forbear to enlarge upon this subject beyond expressing an earnest hope that the wisdom and moderation of the Legislature may find a way to a final settlement of this question, the agitation of which so injuriously retards the progress and settlement of the Colony.
- 3. I regret that I am not in a position to make any communication to you in reply to the Resolutions adopted by the Legislature in the last session, recommending the union of this Colony with British Columbia. I have no doubt that the subject is receiving that consideration from Her Majesty's Government which its importance

demands, and that due weight will be given to the wishes of the people expressed through their representatives.

- 4. The discredit and danger to public health arising from the unrepaired streets and want of drainage in the City of Victoria cannot longer be ignored without seriously deteriorating the value of private property, while the inhabitants are without legal power to raise revenue for the correction of the admitted evils. The Municipal Government of the City might, probably, be rendered more effectual by attempting less. Schemes of inferior importance have been prosecuted while more important needs have been neglected.
- 5. The importance of direct steam communication between Vancouver Island and San Francisco cannot be overlooked, and the absence of it is now most seriously felt. I would recommend liberal provision being made to enable the Government to carry out this service at the earliest period, either separately or in conjunction with the Government of British Columbia. The anomalous state of the law regarding the Postal service of the Colony, generally, demands your attention. There is no law authorizing the Executive Government to frame Rules and Regulations, or fix the rates of postage. The expenditure for this branch of the public service during the year 1864 amounted to \$14,487, while the revenue reached only \$3510, showing an excess of expenditure over revenue amounting to \$10,997 [sic]—a disproportion which must be expected to continue in the absence of suitable laws and regulations.
- 6. I would earnestly bespeak the attention of the Legislature to the insufficiency of the Law for the prevention of the sale of intoxicating liquors to the Native Tribes by which they are demoralized and decimated. This iniquitous traffic is carried on by a worthless and degraded class of men, the cost of whose maintenance in prison and repeated convictions arising from inadequate punishment, falls heavily upon the public funds. Moving appeals have been made to me by Ministers of every denomination and by the Chiefs of several Indian Tribes to put an end to a crime which must eventually recoil upon the legitimate commerce of the Colony and society at large. Deplorable murders of Indians inter se as well as the murder of white men by Indians are of frequent occurrence and notoriously resulting from the illegal sale of liquors on the coast of this and the neighbouring Colony. I can see no difficulty in suppressing this unholy traffic if the existing faulty and insufficient Law be amended and with the object I have directed a Bill to be prepared and laid before you.
- 7. The existing Law of debtor and creditor in this Colony will come under your consideration. I feel confident that in whatever changes may be deemed necessary the principle will be held in view that imprisonment should be a punishment for crime and not for a simple failure to pay unaccompanied by dishonesty.
- 8. I regret to state that the expenditure of the current year has exceeded the revenue, still leaving demands for public improvements unsatisfied. On the other hand, sums have been expended in connection with the projected Harbour improvements considerably exceeding the original estimate for that service, and also for providing a Government House, which cannot occur again and ought not to be regarded as belonging to the ordinary expenditure of the Colony. To restore the equilibrium between revenue and expenditure is a matter of first importance, and I apprehend little difficulty will be found in devising legitimate means of raising the receipt and reducing the expenditure without either pressing unduly upon the people, or impairing the efficiency of the public service. While I deem it beyond the province of my duty to discuss matters, the decision upon which properly belongs to the Legislature, I feel bound to offer as the result of my experience that grave and numerous objections exist to new countries being drawn into debt except for the purpose of reproductive investment. I regard this Colony as a growing, not a stationary community whose interests must be looked for in the future rather than the present.
- 9. I have caused the Attorney General to prepare the following Bills, which will be submitted for your consideration without delay namely:
  - 1. To provide for the reception of native evidence.
  - 2. To regulate the use of weights and measures.
  - 3. To regulate and provide for postal services.
  - 4. To regulate gold mining.
  - 5. To provide for the registration of Births, Deaths and Marriages.

- 6. To provide for the administration of Intestate Estates.
- 7. To provide exemption from Imprisonment for Debt.
- $8.\ To\ grant\ jurisdiction\ to\ Stipendiary\ Magistrates\ for\ the\ recovery\ of\ Small\ Debts.$ 
  - 9. To provide for the exemption of Homestead from Liability.
  - 10. Coroners Bill.

Gentlemen of the Legislative Assembly-

10. The Estimates for the coming year will be laid before you without delay, and I trust you will find them framed with every regard to economy consistent with the efficiency and credit of the public service. A statement will accompany the Estimates showing the probable condition of the Public Finances on the 31st December, 1865.

11. Sums are annually voted to a considerable amount for services and establishments over which the Executive Government has no sufficient control, and for purposes of local rather than general utility, and I would beg you to consider the propriety of these charges being borne by the General Revenue and this practice continued.

Hon. Gentlemen and Gentlemen -

12. Though the year about to close cannot be considered one of great progress, I have full faith in the future of this Colony; and it is gratifying to observe the increased number and improved character of the middle class dwellings which have sprung up, and are still springing up, affording one of the most conclusive proofs of the confidence of the people in its resources and stability. The agricultural classes have struggled manfully with the difficulties which beset the farmer in new countries, and the excellence of the produce exhibited at the annual show, places the fertility and capability of the soil and climate beyond a doubt.

We have, during the last year, experienced the inestimable blessings of peace and public health, and I trust that the same beneficent Providence which has watched over us in the past, may guide us in the path to future prosperity and peace.

The Chief Justice having taken the Oath of allegiance.

The Council adjourned till tomorrow at 3 O'clock.

Joseph Needham C.J. President

# Wednesday, the 29th day of November, 1865

The Council met this day pursuant to adjournment.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Colonial Secretary rose to ask for information in regard to the rules and orders that govern the conduct of the business of the Council.

Certain information having been afforded by the Treasurer

The Colonial Secretary moved 2nded by the Attorney General

"That a Committee be appointed to draft Rules and regulations for the guidance of this Council in the transaction of its business."

Agreed to nem. con.

The Hon. H. Rhodes moved that a Committee be appointed to draft a reply to the Governor's speech at the opening of the Legislature.

The Colonial Secretary 2nded the motion, which was agreed to nem. con. and the following gentlemen nominated a Committee: The Colonial Secretary, The Surveyor General, The Hon. H. Rhodes.

The Attorney General moved that leave be given to bring in a Bill to alter and amend the law of arrest and imprisonment for debt.

2nded by Colonial Secretary and agreed to nem. con.

The Attorney General then introduced the Bill and moved that it be read a 1st time.

The Colonial Secretary 2nded the motion and on the question being put The Bill was read a 1st time nem, con.

The Colonial Secretary moved that the Bill come up for a 2nd reading on Monday next and that the Bill be printed.

With the leave of the Council the Colonial Secretary withdrew the motion and moved

"That the 2nd reading of A Bill entitled A Bill to amend the law of arrest and imprisonment for debt be taken on Wednesday next the 6th December." 2nded by the Treasurer and agreed to nem. con.

- The following Gentlemen were nominated a Committee on Standing orders: The Colonial Secretary, The Attorney General, The Hon. H. Rhodes.
- The Council then adjourned until Friday next at 3 O'clock to take into consideration the Governor's speech.

Joseph Needham President

# Friday, the 1st day of December, 1865

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Col. Secretary, The Attorney General, The Surveyor General, The Hon. H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Hon. Henry Rhodes from the Committee appointed to draft a reply to the Governors opening speech handed in the following Address.

To His Excellency Arthur Edward Kennedy Esquire, Companion of the Most Honorable Order of the Bath Governor and Commander in Chief in and over the Colony of Vancouver Island and its Dependencies &c. &c.

May it please Your Excellency:

We the Legislative Council of Vancouver Island have received with much attention the speech with which Your Excellency has opened the present Session of the Legislature.

We join in Your Excellency's regret that you are unable to announce a definite decision in respect of those important matters affecting the future of this Colony which have of late engaged so much attention. We would hope that such decision may soon be forth coming, for we cannot but view the present unsettled state of the public mind in connection therewith as obstructive to the advancement of the Colony, in chilling enterprise, fettering the transactions of commerce, and retarding the permanent settlement of the Country.

We are gratified to hear Your Excellency's Expressions of confidence in the Colony, and we would render to Your Excellency the earnest assurance of our desire, so far as in us lies, to aid Your Excellency in maintaining and providing laws not alone to promote present welfare, but likewise to be a firm and substantial basis for the future.

We acknowledge with devout thankfulness the blessings which a kind providence has vouchsafed to this Colony in the past, and we join in Your Excellency's prayer that the same Almighty power will guide us in the future to prosperity and peace.

The Attorney General moved that the Report be adopted.

2nded by the Surveyor General and agreed to nem. con.

The Col. Secretary moved that the Address be presented to His Excellency The Governor on Monday next the 4th Instant at noon if it be found that such hour be convenient to His Excellency, and that the Council do adjourn until Monday accordingly.

2nded by Hon. Henry Rhodes and agreed to nem. con.

Joseph Needham President

## Monday, the 4th day of December, 1865

The Council met this day at 12 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hon. Henry Rhodes.

The Members of the Council proceeded to the Governor's office for the purpose of delivering the Address which had been adopted at the previous meeting of the Council in reply to His Excellency's speech at the opening of the Legislature.

The Chief Justice read the Address to His Excellency. His Excellency thanked the Members of the Council for their Address and expressed his hope that with their wisdom and intelligence to aid him much would be achieved for the good of the Colony.

The Members returned to the Council Chamber and the Minutes of the last meeting having been read and confirmed.

The Council adjourned till Wednesday next the 6th December.

Joseph Needham Presiding Member

### Wednesday, the 6th day of December, 1865

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Surveyor General, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Bill to amend the Law of arrest and imprisonment for Debt came up for a 2nd reading.

The Attorney General moved that the Bill be read a 2nd time. The Colonial Secretary 2nded the motion and on the question being put the following were the Ayes and Noes

For the 2nd reading—The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Hon. Henry Rhodes.

The Chief Justice not voting.

The Bill was read a 2nd time.

The Treasurer moved that the consideration of the Bill in Committee be postponed, and that the Bill be printed in accordance with the Standing order of the Council requiring that All Bills brought into the Council be printed.

The Colonial [Secretary] 2nded the motion for the postponement of the further consideration of the Bill but objected to its being printed.

The Surveyor General moved that the Standing Order of the Council in regard to the Bills of the Council being printed be suspended and that this Bill be not printed.

The Col. Secretary 2nded the motion which was carried nem. con.

The Attorney General gave notice of motion for leave to bring in "A Bill to facilitate the recovery of small debts" and also "A Bill to establish a Postal Service."

The Council then adjourned 'till Friday next the 8th Decr. at 3 Oclock.

Joseph Needham Presiding Member

# Friday, the 8th day of December, 1865

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Attorney General pursuant to notice, moved for leave to bring in a Bill to facilitate the recovery of small debts and other demands.

The Treasurer 2nded the motion which was agreed to nem. con.

The Attorney General then introduced the Bill and moved that it be read a 1st time.

The Treasurer 2nded the motion and the Bill passed a 1st reading nem. con.

The Attorney General requested to be permitted to postpone the introduction of "A Bill to establish A Postal Service."

Agreed to.

The Council then resolved itself into a Committee on "A Bill to amend the law of arrest and imprisonment for debt".

The Treasurer in the Chair.

The Colonial Secretary moved 2nded by the Hon. H. Rhodes that the Committee report progress with the Bill—agreed to.

The Chairman of the Committee reported progress accordingly and asked leave to sit again, which was granted and the Council adjourned until Wednesday next the 13th Instant at 3 O'clock.

Joseph Needham Presiding Member

### Wednesday, the 13th day of December, 1865

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Hons. R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

- A message from the Legislative Assembly was received with the following Bills.
  - 1. "The Homestead and Exemption from Execution Act 1865."
  - 2. "The Bills of Sale Act 1861 Amendment Act 1865."
  - 3. "A Bill to increase the Jurisdiction of the Inferior Courts of Civil Justice, 1865."
- The Colonial Secretary moved 2nded by the Attorney General that "The Bill of Sale Act 1861 Amendment Act 1865" be read a 1st time.

Agreed to nem. con. and Bill passed a 1st reading.

The Attorney General moved 2nded by Hon. H. Rhodes That "A Bill to exempt the Homestead and other property from forced seizure and sales in certain cases" be read a 1st time.

Agreed to nem. con. and the Bill passed a 1st reading.

The Colonial Secretary moved 2nded by the Hon. H. Rhodes That A Bill entitled "An Act to increase the Jurisdiction of the Inferior Court of Civil Justice" be read a 1st time.

Agreed to nem. con. and the Bill passed a 1st reading.

The Attorney General moved 2nded by the Colonial Secretary that A Bill entitled "An Act to facilitate the recovery of small debts and other demands" be read a 2nd time.

Agreed to nem. con. and the Bill passed a 2nd reading.

The Colonial Secretary moved 2nded by the Surveyor General that the Bill be recommitted.

Agreed to.

The Treasurer in the Chair.

The Chief Justice moved 2nded by the Hon. H. Rhodes that the Committee adjourn until the 12th January 1866.

Agreed to nem. con.

The Chairman of the Committee reported progress in the Bill and asked leave to sit again on the 12 January next.

Leave having been granted.

The Council adjourned until Friday next at 3 O'clock.

Joseph Needham Presiding Member

#### Friday, the 15th day of December, 1865

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Attorney General introduced A Bill Entitled "An Act to Establish the Postal Service" and moved that it be read a 1st time. 2nded by the Colonial Secretary and the Bill passed a 1st reading nem. con.

The Council then resolved itself into Committee on a Bill to facilitate the recovery of small debts, &c.

The Hon. Henry Rhodes in the Chair.

The President having resumed the Chair.

The Hon. Henry Rhodes reported progress in the Bill and asked leave to sit again.

Leave having been granted.

Upon motion by the Colonial Secretary the Council adjourned until Wednesday next at 2.

Alex Watson Treasurer Presiding Member

### Friday, the 12th day of January, 1866

The Council met this day at 3 O'clock.

- Present: The Treasurer, The Hons. Donald Fraser, Henry Rhodes, R. Finlayson.

  The Minutes of the last meeting having been read and confirmed.
- A Petition from the Harewood Railway Company was read praying that the Legislative Council will pass a Bill extending the time for the Completion of their works.
- A Message from the Legislative Assembly was also read forwarding
  - (1) A Bill to amend the Law as to imprisonment for debt and
  - (2) A Bill respecting Barristers and Attorneys at Law.

The Council then adjourned till Thursday next the 18th Instant at 2 O'clock.

William A. G. Young Presiding Member

### Thursday, the 18th day of January, 1866

The Council met at 2 O'clock pursuant to adjournment.

Present: The Colonial Secretary, The Treasurer, The Attorney General, The Surveyor General, The Hons. Donald Fraser, R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

- A message from the Legislative Assembly was read forwarding the following Bills
  - (1) A Bill to amend the Law of Partnership.
  - (2) A Bill respecting the descent of real property.
  - (3) A Bill to amend The Franchise Act 1859.

A Bill Entitled (4) "The Representation Extension Act 1866."

The Attorney General moved 2nded by the Surveyor General that A Bill Entitled An Act to amend The Bills of Sales Act 1861, be read a 2nd time.

Agreed to. The Surveyor Genl. & Mr. Rhodes non-content.

Bill passed a 2nd reading and was ordered to be committed.

The Attorney General moved 2nded by the Treasurer That A Bill entitled An Act to increase the jurisdiction of the Inferior Courts of Civil Justice be read a 2nd time which was agreed to nem. con.

The Bill passed a 2nd reading and was ordered to be committed.

The Attorney General moved 2nded by the Treasurer that A Bill entitled An Act to establish a Postal Service be read a 2nd time.

Agreed to nem. con.

The Bill passed a 2nd reading and was ordered to be committed.

The Attorney General moved 2nded by the Treasurer that A Bill entitled An Act to exempt the Homestead and other property from forced sales in certain cases be read a 2nd time.

Agreed to nem. con. and the Bill passed a 2nd reading and was ordered to be committed.

- The Attorney General moved The Hon. Donald Fraser 2nded That A Bill Entitled An Act to amend the law as to imprisonment for debt be read a 1st time.

  The Bill passed a 1st reading nem. con.
- The Attorney General moved The Hon. Donald Fraser 2nded That A Bill Entitled An Act respecting Barristers & Attorneys at Law be read a 1st time.

  The Bill passed a 1st reading nem. con.
- The Attorney General moved 2nded by Hon. D. Fraser That A Bill to amend the law of Partnership be read a 1st time. Agreed to nem. con.
- The Attorney General moved 2nded by Hon. Donald Fraser That A Bill respecting the descent of real property be read a 1st time.

  Agreed to nem. con.
- Attorney General moved 2nded by Hon. the Treasurer That A Bill to amend the Franchise Act 1859 be read a 1st time.

Agreed to nem. con.

- The Attorney General moved 2nded by the Treasurer That the Representation Extension Bill be read a 1st time.
- The Council then resolved itself into Committee on A Bill Entitled An Act to facilitate the recovery of small debts.

The Treasurer in the Chair.

Progress was reported in the Bill and leave granted to sit again.

The Council then adjourned till tomorrow at one o'clock P.M.

William A. G. Young Presiding Member

## Friday, the 19th day of January, 1866

The Council met this day at One O'clock.

Present: The Colonial Secretary, The Attorney General, The Surveyor General, The Treasurer, The Hons. Henry Rhodes, Donald Fraser.

The Minutes of the last meeting having been read and confirmed.

The Council resumed the consideration, in Committee, of a Bill Entitled "An Act to facilitate the recovery of small debts and other demands."

The Surveyor General in the Chair.

The Bill was reported complete with amendments.

The Council then adjourned to Tuesday the 23rd instant at 2 O'clock.

William A. G. Young Presiding Member

#### Tuesday, the 23rd day of January, 1866

The Council met at 2 O'clock.

Present: The Colonial Secretary, The Attorney General, The Surveyor General, Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Colonial Secretary stated that a message had been received from the Lower House enclosing A Bill Entitled "The Harewood Company's Extension Act 1866" and that a Petition had been laid before the Council praying that the said Bill may pass the Council and also a Petition against its passing the Council.

The Col. Secretary moved 2nded by the Hon. Donald Fraser That Bill be read a 1st time.

Agreed to nem. con.

The Council then resolved itself into Committee on A Bill Entitled "The Bills of Sales Act Amendment Act 1866."

The Surveyor General in the Chair.

Progress in the Bill was reported and leave granted to sit again.

The Council then went into Committee on a Bill to Establish the Postal Service.

The Surveyor General in the Chair.

Progress was reported & leave granted to sit again.

The Council then adjourned till Friday next at 2.

William A. G. Young Presiding Member

# Friday, the 26th day of January, 1866

The Council met this day at 2 O'clock.

Present: The Colonial Secretary, The Surveyor General, The Treasurer, The Hons. R. Finlayson, D. Fraser.

The Minutes of the last meeting having been read and confirmed.

On motion by the Hon. D. Fraser 2nded by the Surveyor General, A Bill Entitled "The Harewood Railway Company's Extension Act 1866" was read a 2nd time nem. con.

The Honble. Donald Fraser moved 2nded by the Hon. the Treasurer that the Bill be referred to a Select Committee to meet on Monday next at 11 A. M. to take evidence on the Petition of the Vancouver Coal Company and also on the Petition of the Harewood Railway Company and that the Clerk of the Council notify the day and time of such meeting of Committee of Council to Messrs. Drake & Jackson on behalf of the Vancouver Coal Company & to

Messrs. Pearkes & Green on behalf of the Harewood Railway Company that such evidence as they may advance will be then heard, by serving them with a copy of this motion.

Agreed to nem. con.

The Presiding Member nominated the following Gentlemen to be members of the Committee: The Surveyor General, The Hon. R. Finlayson, The Hon. D. Fraser.

The Council then resolved itself into Committee on A Bill Entitled, "An Act to amend the Bills of Sale Act, 1861".

The Surveyor General in the Chair.

The Bill was reported complete with amendments.

The Council then went into Committee on a Bill to Establish the Postal Service.

The Surveyor General in the Chair.

Progress in the Bill was reported and

The Council adjourned until Wednesday next at 2 O'clock.

Presiding Member.

Joseph Needham

### Wednesday, the 31st day of January, 1866

The Council met at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Hons. R. Finlayson, Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

Mr. Fraser, as Chairman of the Select Committee on "the Harewood Railway Company's Extension Bill," reported that the Committee had heard Counsel for and against the passing of the Bill and had come to the conclusion that no sufficient Evidence had been given to justify the Committee in recommending otherwise than that the Bill be allowed to pass the Council.

The Chief Justice was of opinion that a written report with the evidence on which it is based should be handed in by the Committee.

The Colonial Secretary moved that the report made by the Select Committee appointed in respect of "the Harewood Railway Company's Extension Act 1866", viz. "that no cause has been shewn against the Extension of time prayed for by the company in the Bill in question" be adopted, and the Bill referred to a Committee of the whole Council.

The Attorney General 2nd the motion.

The Treasurer moved that the word "verbal" be inserted in the first line of the Colonial Secretary's motion between the words "the" and "report." Mr. Fraser 2nded. Agreed to. Colonial Secry. non-content.

The Treasurer moved that the consideration of the Report of the Select Committee be postponed in order that it may be laid before the Council in writing & a proper record made of the proceedings of the Committee.

2nded by [blank].

The motion of the Colonial Secretary having been put by the Presiding Member was carried. The Treasurer non-content.

The Colonial Secretary moved—2nded by the Hon. Donald Fraser that A Bill Entitled "An Act to facilitate the recovery of small debts" be re-committed.

Agreed to nem. con.

Bill recommitted.

The Surveyor General in the Chair.

The Presiding Member of the Council having resumed the Chair.

The Surveyor General reported the Bill complete with amendments.

The Report was adopted by the Council.

The Council then went into Committee on A Bill to Establish A Postal Service at clause VII.

The Surveyor General in the Chair.

The Bill was reported progress with and

The Council adjourned until tomorrow at 2.

Tho. L. Wood Presiding Member

## Thursday, the 1st day of February, 1866

The Council met this day at 2 O'clock.

Present: The Attorney General, The Treasurer, The Surveyor General, The Hons. H. Rhodes, Donald Fraser, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Surveyor General moved 2nded by the Treasurer that A Bill Entitled "The District Court Act, 1866" be read a 3rd time.

Agreed to nem. con. and the Bill passed a 3rd reading.

The Council then went into Committee on a Bill to establish The Postal Service.

The Surveyor General in the Chair.

The Bill was reported complete with amendments.

The Council then went into Committee on a Bill Entitled "The Harewood Railway Company's Extension Act, 1866."

The Attorney General in the Chair.

The Bill was reported complete with amendment.

The Council then adjourned until tomorrow the 2nd February at 2 O'clock.

William A. G. Young Presiding Member

### Friday, the 2nd day of February, 1866

The Council met this day at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Hons. D. Fraser, R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Bill Entitled "An Act to Establish The Postal Service" came up for a 3rd reading.

The Attorney General moved That the Bill be recommitted.

2nded by the Treasurer.

The Hon. Donald Fraser moved as an amendment that the Bill be read a third time.

2nded by the Hon. Henry Rhodes.

The amendment that the Bill be read a 3rd time having been put the following were the ayes & noes:

For the 3rd reading, Mr. Fraser, Mr. Rhodes, Mr. Finlayson.

Against the 3rd reading, The Col. Secy., the Atty. Genl., The Treasurer, The Surveyor General.

The Bill was ordered to be recommitted the ayes & noes being the same.

A Bill Entitled The Bills of Sale Act Amendment Act 1866 then came up for a 3rd reading.

The 3rd reading of the Bill was lost.

The Council then adjourned till Monday next at 2.

Presiding Member, Joseph Needham

# Monday, the 5th day of February, 1866

The Council met at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Attorney General moved 2nded by the Hon. Donald Fraser That A Bill Entitled An Act to extend the time limited by the Harewood Railway Act 1864 be read a 3rd time and passed.

The Bill passed a 3rd reading accordingly nem. con.

The Council then went into Committee Mr. Rhodes in the Chair upon A Bill Entitled the Homestead Act 1866.

Progress in the Bill was reported and the Council adjourned until Wednesday next at 2 O'clock.

Presiding Member Joseph Needham

### Thursday, the 8th day of February, 1866

The Council met at ½ past 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons, D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Attorney General gave notice of intention to bring in a Bill Entitled An Act to amend the law of Evidence and also A Bill Entitled An Act to amend The Indian Liquor Act, 1860.

The Council then went into Committee on The Postal Service Bill.

The Colonial Secretary in the Chair.

The Hon. Donald Fraser moved the following amendment in Clause I.

After the word "appoint" on the 2nd line of Clause I to strike out the word "such person" and to insert the words "One of his Executive Council or other Government officer" and after the word "be" on the third line of the same clause to insert the word "honorary".

2nded by the Hon. H. Rhodes.

On the amendment being put the following were the Ayes & Noes,

For the amendment—Mr. Rhodes, Mr. Fraser.

Against the amendt. The Chief Justice the Attorney General, the Treasurer.

The amendment was lost and the Clause, as read, passed-

The Presiding Member of the Council having resumed the Chair.

The Bill was reported complete and was read a 3rd time and passed the Council.

The Council then went into Committee on A Bill to amend the law of imprisonment for debt.

Progress was reported and the Council adjourned until Monday next at 2 O'clock.

Presiding Member Joseph Needham

# Monday, the 12th day of February, 1866

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

Messages from the Legislative Assembly were read transmitting,

A Bill Entitled "The Harewood Railway Company Extension Act, 1866" the amendment of the Council thereto having been agreed to by the House, and

(1) A Bill Entitled An Act respecting Ferries.

(2) A Bill Entitled An Act for securing Liens to Mechanics and others. On motion of the Hon. Donald Fraser 2nded by the Colonial Secretary the foregoing Bills were read a 1st time.

The Attorney General pursuant to notice introduced the following Bills and moved that they be read a 1st time. The Treasurer 2nded.

- (1) A Bill Entitled An Act to amend The Indian Liquor Act 1860.
- (2) A Bill Entitled An Act to amend the Law of Evidence.

The Bills were read a 1st time nem. con.

- The Council then went into Committee and progress was reported with the following Bills,
  - 1. The Homestead Bill
  - 2. The Imprisonment for debt Bill

The Council then adjourned until tomorrow at 2 O'clock.

William A. G. Young Presiding Member

## Tuesday, the 13th day of February, 1866

The Council met this day at 2 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The Attorney General moved 2nded by the Treasurer that A Bill Entitled An Act to amend the Law of Evidence be read a 2nd time and also a Bill to amend the Indian Liquor Act.

Agreed to nem. con. and the Bills were ordered to be Committed.

The Council adjourned until Thursday next at 2.

William A. G. Young Presiding Member

## Thursday, the 15th day of February, 1866

The Council met this day at 2 O'clock.

Present: The Colonial Secretary, The Attorney General, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Council resolved itself into Committee The Hon. H. Rhodes in the Chair on a Bill to amend the Law of Evidence.

The Bill was reported complete without amendments.

The Council then went into Committee The Hon. Henry Rhodes in the Chair on a Bill to amend the Indian Liquor Act 1860.

Progress was reported and leave asked to sit again.

Leave granted.

The Council then adjourned until tomorrow at 2.

William A. G. Young Presiding Member.

#### Friday, the 16th day of February, 1866

The Council met this day at 2 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

- A Bill Entitled An Act to amend the Law of Evidence was read a 3rd time and passed.
- The Council then went into Committee on a Bill Entitled "An Act to amend The Indian Liquor Act, 1860."

The Committee reported the Bill complete with amendments.

The Council then adjourned until Tuesday next at Two O'clock.

Presiding Member Joseph Needham

#### Tuesday, the 20th day of February, 1866

The Council met this day at Two O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

A Bill Entitled "An Act to amend The Indian Liquor Act, 1860" came up for a 3rd reading.4

The Colonial Secretary moved that the Bill be recommitted.

2nded by the Attorney General and agreed to nem. con.

The Hon. Henry Rhodes in the Chair.

The Committee reported the Bill complete with amendments.

The Bill was then read a 3rd time & passed nem. con.

Mr. Finlayson not voting.

The Council then adjourned until Friday next at 2.

Presiding Member Joseph Needham

<sup>4</sup> Here the original contained the following paragraph which was struck out and initialled in the margin by the clerk, E. J. Nesbitt:

<sup>&</sup>quot;The Chief Justice said he wished it to be placed on record that he objected to the Bill generally and that he thought it would fail altogether in its objects—the mode in which it is intended that penalties should be considered objectionable in the extreme and he was strongly against the clause authorizing the infliction of corporal punishment which he was of opinion was a most barbarous one to have recourse to."

## Friday, the 23rd day of February, 1866

The Council met this day at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Surveyor General, The Hons. D. Fraser, Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Hon. Henry Rhodes moved That A Bill Entitled An Act respecting Barristers and Attorneys at Law be now read a 2nd time.

The Hon. Donald Fraser moved as an amendment that the words from "now" to the end of the sentence be left out and the words "read this day six months" be inserted.

2nded by the Attorney General and carried.

The Colonial Secretary moved 2nded by the Hon. Donald Fraser That A Bill to amend The law of Partnership be read a 2nd time.

Bill read a 2nd time nem, con. and ordered to be committed.

The Council then adjourned until Wednesday next at 2 O'clock.

Presiding Member Joseph Needham

## Friday, the 2nd day of March, 1866

The Members of the Legislative Council met the Members of the Legislative Assembly, this day at 2 O'clock, in conference, on the subject of the Union of the Colonies of Vancouver Island & British Columbia.

The Assembly having withdrawn.

The following resolution was received from that body.

That this House having been advised that it is the intention of Her Majesty's Government to unite the Colonies of Vancouver Island & British Columbia would respectfully pray that H. M. Government will be pleased to leave the questions of the seat of Government & fiscal policy to the decision of the United Legislatures of Vancouver Island & British Columbia.

That this Resolution be transmitted by Telegraph to Her Majesty's Government. 5

The following amendment was agreed to by the Council and forwarded to the Assembly.

Paragraph 1. To leave out all the words after "having" on the 1st line down to "British Columbia" on the 9th line and to substitute in place thereof the following

"just learned that the union of Vancouver Island and British Columbia has been determined upon by Her Majesty's Government would respectfully pray

<sup>&</sup>lt;sup>5</sup> This resolution was substituted for the following one, which was then crossed out by the clerk:

<sup>&</sup>quot;That this House having just heard that the Union of Vancouver Island and British Columbia has been determined upon by Her Majesty's Government would respectfully pray that the Secretary of State for the Colonies will be pleased to postpone the fixing of the permanent seat of Government until it shall be determined by the people of the united Colonies.

<sup>&</sup>quot;That this Resolution be transmitted by Telegraph to Her Majesty's Government."

that the Secretary of State for the Colonies will be pleased to postpone the fixing of the permanent seat of Government until the wishes of the people of the two Colonies be ascertained."

Paragraph 2. After word "transmitted" in 1st line insert "to His Excellency the Governor with the respectful request that he will forward the same." After the word "Government" add "also by Post by the outgoing mail."

The Council then adjourned sine die.

Presiding Member Joseph Needham

## Wednesday, the 14th day of March, 1866

The Council met this day at two O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Honble. Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

The Colonial Secretary moved that A Bill Entitled "An Act to amend The Franchise Act, 1859" be read a 2nd time.

Hon. Henry Rhodes 2nded and the Bill passed a 2nd reading nem. con. and was ordered to be committed.

The Council then resolved itself into Committee on a Bill Entitled "An Act to amend the law of Partnership."

The Colonial Secretary in the Chair.

The Bill was reported from the Committee as complete with amendments.

The Council then adjourned until Friday next at two O'clock.

William A. G. Young Presiding Member

## Friday, the 16th day of March, 1866

The Council met this day at 2.30 O clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Message from the Legislative Assembly was read transmitting A Bill Entitled "The District Court Act 1866," with amendments.

After some discussion it was agreed that the consideration of the amendments be postponed till the next meeting of the Council.

The Council then adjourned until two oclock on Tuesday next the 20th Instant.

Presiding Member Joseph Needham

## Wednesday, the 21st day of March, 1866<sup>6</sup>

The Council met this day at 2:30 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Hons. R. Finlayson, Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read & confd.

A communication from the Legislative Assembly was read returning A Bill Entitled "The District Court Act 1866", certain amendments having been made thereto.

The Council amended the amendments of the Lower House.

The Council then went into Committee on A Bill Entitled "An Act to amend The Franchise Act 1859."

The Hon. Henry Rhodes in the Chair.

Progress in the Bill was reported & leave asked to sit again.

The Council then adjourned until Friday next the 23 Instant at 2. O'clock.

Presiding Member Joseph Needham

#### Friday, the 23rd day of March, 1866

The Council met this day at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons. H. Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confirmed.

The Hon. Donald Fraser gave notice that at the next meeting of Council he will ask leave to move a Resolution of the House to ask His Excellency the Governor to be pleased to furnish this House with a Return of Taxes due upon Real Estate and unpaid up to the date of such Return, specifying the property upon which such taxes are unpaid the amounts unpaid in each case, the year or years for which the same are due and unpaid, and the names of the owners by whom such taxes are due and unpaid.

The Council then resolved itself into Committee on A Bill Entitled An Act to amend "The Franchise Act 1859."

The Hon, H. Rhodes in the Chair.

The Committee reported progress & asked leave to sit again, which having been granted,

The Council adjourned until Tuesday next the 27th Instant at 2. O'clock.

William A. G. Young Presiding Member

<sup>&</sup>lt;sup>6</sup> These minutes are dated 23 March 1866 in the original, but both *The Daily British Colonist* and the *Victoria Weekly Chronicle* report the meeting as having occurred on 21 March.

## Tuesday, the 27th day of March, 1866

The Council met this day at 3 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons.

D. Fraser, R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read & confirmed.

- A communication from the Legislative Assembly was read transmitting the following Bills Entitled as follows,
  - (1) "The Temporary loan Act, 1866."
  - (2) "The Vancouver Island Road & Public Works Loan Act, 1866."
  - (3) "The Real Estate tax repeal Act 1866."
  - (4) "The Trade Licence Amendment Act 1866."
  - (5) "The Salaries Tax repeal Act, 1866."
  - (6) "The Stock & Carcass Amendment Act, 1866."
  - (7) "The Liquor Licence Act, 1866."
  - (8) The Harbour Dues Amendment Act, 1866.

On Motion of the Attorney General 2nded by Mr. Fraser the foregoing Bills were read a 1st time nem. con.

Mr. Fraser, pursuant to notice, moved That An Address be presented to The Governor praying His Excellency to be pleased to furnish the Legislative Council with a return of the Taxes due upon Real Estate and unpaid up to the date of such Return specifying the property upon which such taxes are unpaid the amounts unpaid in each case the year or years for which the same are due and unpaid and the names of the owners by whom such taxes are due and unpaid.

The Motion was agreed to nem. con.

The Council then went into Committee. Mr. Rhodes in the Chair on a Bill Entitled "The Franchise Act 1859 Amendment Act 1866."

Progress was reported in the Bill and leave asked to sit again which having been granted.

The Council adjourned until Tomorrow at 2 O'clock.

Presiding Member Joseph Needham

## Wednesday, the 28th day of March, 1866

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Communication from the Legislative Assembly was read returning A Bill Entitled "The Districts Court Act, 1866" the amendments of the Council to the amendments of the Assembly not having been agreed to.

The Consideration thereof was postponed.

- The Colonial Secretary gave notice that at the next meeting of the Council he will ask leave to bring in a Bill Entitled An Act to establish a volunteer Force.
- The 2nd reading of 8 Bills which were received from the Legislative Assembly and read a 1st time at the last meeting of the Council was postponed.
- The Council then went into Committee on "A Bill to amend The Franchise Act, 1859."

Mr. Rhodes in the Chair.

Progress in the Bill was reported and leave granted to sit again.

The Council then adjourned until tomorrow at 2 O'clock.

Presiding Member Joseph Needham

## Thursday, the 29th day of March, 1866

The Council met this day at 2.30.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons. D. Fraser, R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Leg. Ass. was read transmitting A Bill entitled An Act to incorporate the Town of Nanaimo.

The Colonial Secretary moved 2nded by the Hon. D. Fraser that the Bill be read a 1st time.

Agreed to nem. con. and the Bill passed a 1st reading.

The Colonial Secretary pursuant to notice introduced A Bill entitled An Act to establish A Volunteer Force and moved that the Bill be read a 1st time.

The Bill passed a 1st reading nem. con.

The Council then went into Committee Mr. Rhodes in the Chair upon a Bill Entitled An Act to amend The Franchise Act 1859.

Progress was reported & leave asked to sit again.

The Council then adjourned until Wednesday next at two O'clock.

William A. G. Young Presiding Member

## Wednesday, the 4th day of April, 1866

The Council met at 2.30 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confirmed.

A letter from the Colonial Secretary was read transmitting a Communication he had received from Mr. Thomas Parker requesting him to lay before the Legis-

lative Council A Petition from the Residents of Nanaimo praying the Council not to pass A Bill Entitled An Act to incorporate the Town of Nanaimo.

The Petition having been read was ordered to be laid upon the table.

The Attorney General gave notice for leave to bring in the following Bills,

A Bill to establish a standard of weights & measures.

A Bill to regulate the Registration of Births deaths & Marriages.

On motion of the Attorney General 2nd by Mr. Fraser A Bill to establish a Volunteer Corps was read a 2nd time—nem. con. and ordered to be committed.

The Council then adjourned till tomorrow at ½ 2.

Presiding Member Joseph Needham

## Thursday, the 5th day of April, 1866

The Council met this day at ½ past two O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Treasurer, The Sur. General, The Hons. Henry Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confd.

- The Attorney General moved That leave be given to introduce a Bill Entitled An Act to regulate the use of Weights & Measures and that the said Bill be now read a 1st time. 2nded by the Col. Secretary and agreed to nem. con.
- The Attorney General also moved for leave to bring in A Bill Entitled An Act to provide for the registration of Births Deaths & Marriages and that the Bill be now read a 1st time. 2nded by the Col. Secy.—and agreed to nem. con.
- The Council then resolved itself into Committee upon A Bill Entitled An Act to establish a Volunteer Corps.

The Treasurer in the Chair.

Progress in the Bill was reported and leave asked to sit again which having been granted.

The Council adjourned until Monday next at two O'clock.

Joseph Needham Presiding Member

## Tuesday, the 10th day of April, 1866

The Council met this day at 2.30.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Surveyor General, The Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confd.

The Chief Justice announced that he had received a communication from the Clerk of the Legislative Assembly forwarding "A Bill Entitled An Act to explain & amend The Victoria incorporation Act, 1862."

The Colonial Secretary moved that the Bill be read a 1st time.

2nded by the Attorney General.

The Bill passed a 1st reading nem. con.

The Colonial Secretary with the permission of the Council read a communication he had received from a Committee appointed at a public meeting to assist Mr. Cunningham—the Representative of Nanaimo in the Legislative Assembly—to frame a Bill to incorporate Nanaimo representing that the signatures to the Petition to the Council against the passing of A Bill Entitled An Act to incorporate the Town of Nanaimo had been obtained by fraud misrepresentation and undue influence and praying the Council to delay the consideration of the Bill for one week.

The consideration was delayed accordingly, nem. con.

- Upon motion of the Colonial Secretary 2nded by the Atty. General A Bill Entitled An Act to establish a System of Weights & Measures was read a 2nd time nem. con. & ordered to be committed.
- A Bill to provide for the registration of Births deaths & Marriages was upon motion of the Atty. General 2nded by the Col. Secretary also read a 2nd time nem. con. and committed.

The Council then adjourned until tomorrow at two O'clock.

William A. G. Young Presiding Member

# Wednesday, the 11th day of April, 1866

The Council met this day at 2.30.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, R. Finlayson.

The Minutes of the last meeting having been read & confd.

The Council resolved itself into Committee upon A Bill Entitled An Act to establish A Volunteer Force.

The Treasurer in the Chair.

The Bill was reported complete with amendments.

The Council then adjourned until Friday next at 2 O'clock.

Joseph Needham Presiding Member

## Friday, the 13th day of April, 1866

The Council met this day at three O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Hon. D. Fraser.

The Minutes of the last meeting having been read & confd.

A message from the Lower House was read by the Chief Justice forwarding A Bill Entitled An Act for the protection of Inventions.

On motion of the Col. Secy. the Bill was read a 1st time nem. con.

On motion of the Col. Secy. A Bill Entitled An Act to establish A Volunteer Force was read a 3rd time and passed the Council nem. con.

The Council then adjourned until Tuesday next two O'clock.

William A. G. Young Presiding Member

## Tuesday, the 17th day of April, 1866

The Council met this day at 2.30.

Present: The Col. Secretary, The Atty. General, The Treasurer, Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confd.

The Presiding Member read a Communication from the Lower House transmitting A Bill Entitled An Act to amend "The Real Estate Tax Act 1862."

On motion of the Treasurer 2nded by the Atty. General The Bill was read a 1st time nem. con.

The Order of the day being the 2nd reading of A Bill to incorporate the Town of Nanaimo.

The Colonial Secretary read a Communication he had received from Messrs. Parker Peek & Transfield of Nanaimo praying that the Council will cause an investigation to be made in regard to the genuineness or otherwise of the signatures to the Petition against the Nanaimo Incorporation Bill.

A Petition was also read praying that the Council do pass the Bill to incorporate the Town of Nanaimo.

The Hon. D. Fraser moved 2nded by the Attorney General That the order for the 2nd reading on this day of the Nanaimo Incorporation Bill be discharged and that the Bill together with the various Petitions that have been sent to the Council pro and con be referred to a Select Committee in order that evidence may be heard in support of the allegations that have been made in reference thereto.

The motion was agreed to nem. con. and the following gentlemen nominated as a Select Comtee.: The Atty. General, Mr. Fraser, Mr. Rhodes.

The Council then adjourned until tomorrow at 3.

Joseph Needham Presiding Member

## Wednesday, the 18th day of April, 1866

The Council met this day at 3.30.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Bill entitled "An Act to amend the Real Estate Tax Act, 1862" came up for a 2nd reading.

Colonial Secretary moved 2nded by the Atty. General that the Bill be read a 2nd time.

On the Question being put, The Bill passed a 2nd reading.

Mr. Fraser non content.

The Council then adjourned until tomorrow at two O'clock.

William A. G. Young Presiding Member

## Thursday, the 19th day of April, 1866

The Council met this day at 2.30.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Hon. R. Finlayson, The Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confd.

The Council went into Committee upon a Bill Entitled "An Act to amend the Real Estate Tax Act 1862."

The Treasurer in the Chair.

The Bill was reported complete with amendments.

The Treasurer moved that the Bill be recommitted.

Mr. Fraser 2nded the motion.

On the question being put the following were the Ayes & Noes:

For the recommittal: The Treasurer, Mr. Fraser, Mr. Finlayson.

Against: The Atty General, Sur. General, Mr. Rhodes.

The casting vote of the Presiding Member was given against the recommittal—motion lost.

The Attorney General moved The Sur. Genl. seconded That the Standing Orders of the Council be suspended.

On the motion being put the ayes & noes were

Against the suspension: The Treasurer, Mr. Fraser, Mr. Finlayson.

For the suspension: The Atty. Genl., the Sur. Genl., Mr. Rhodes.

The Chairman gave his casting vote for the suspension of the orders.

Motion carried.

The Attorney Genl. moved that the Bill be read 3rd time.

Mr. Rhodes 2nded.

Content: The Atty Genl., The Sur. Genl., Mr. Rhodes.

Non content: The Treasurer, Mr. Fraser, Mr. Finlayson.

The casting vote of the Chairman was with the contents.

The Bill was read a 3rd time and passed the Council.

The Council then adjourned until Monday at two.

William A. G. Young Colonial Secretary and presiding Member

## Monday, the 23rd day of April, 1866

The Council met this day at 2.30.

Present: The Col Secy., The Atty. Genl., The Treasurer, Hons. H. Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confirmed.

The Council adjourned until Wednesday next the 25th Instant at 3 O'clock.

Joseph Needham President

## Friday, the 27th day of April, 1866

The Council met at three O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons, H. Rhodes, Donald Fraser.

The Minutes of the last meeting having been read & confd.

Upon motion of the Colonial Secretary the consideration of the 2nd reading of the following Bills was fixed for Wednesday next—viz.

The Temporary loan Act 1866.

The Vancouver Island Road and Public Works loan Act.

The Real Estate Tax repeal Act 1866.

The trade licence amendment Act 1866.

The Salaries tax Act repeal Act 1866.

The Stock & Carcass amendment Act 1866.

The Liquor licence Act, 1866.

The Harbor dues amendment Act 1866.

Mr. Fraser 2nded the motion. Agreed to.

- The Council then took into consideration a message from the Leg. Assembly disagreeing to the amendments of the Council to the Amendment of the House of Assembly to A Bill Entitled "The District Court Act, 1866."
- The Council modified their amendments and then adjourned until Wednesday next at two o'clock.

William A. G. Young Col. Secty. and Presiding Member

## Wednesday, the 2nd day of May, 1866

The Council met at 3 O'clock.

Present: The Col. Secretary, The Atty. Genl., The Treasurer, The Sur. Genl., Messrs. Finlayson, Fraser.

The Minutes of the last meeting having been read & confd.

- On motion of Mr. Fraser the Order of the day for the 2nd reading of the 8 money Bills enumerated on the Minutes of the last meeting of the Council was postponed and Monday the 7th Instant fixed for the 2nd reading thereof.
- The Council then went into Comtee. The Treasurer in the Chair on the Franchise Bill

On motion of Col. Secy. 2nded by Mr. Fraser & agreed to nem. con.

All the Clauses of the Bill were recommitted.

The Committee reported progress at clause XV.

The Council adjourned till Monday the 7th May next.

Joseph Needham President

## Monday, the 7th day of May, 1866

The Council met this day at two O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Treasurer, The Sur. Genl., The Hons. Henry Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confirmed.

Mr. Fraser from the Select Committee to whom was referred a Bill entitled An Act to incorporate the Town of Nanaimo together with the various Petitions pro & con in order that evidence might be taken in support of allegations made in reference thereto, presented the report of the Committee, which upon motion

of the Treasurer 2nded by the Surveyor General was ordered to be received and laid upon the Table for future consideration. Agreed to nem. con.

- The order of the day being the 2nd reading of the 8 Money Bills enumerated in the Minutes of the 23 April last.
- The Surveyor General moved that A Bill entitled The Real Estate Tax Act repeal Act 1866" be read a 2nd time.

To which it was moved by the Colonial Secretary as an Amendment and 2nd by Mr. Fraser That the Bill be read this day six months.

Amendment agreed to nem. con. and the 2nd reading of the Bill lost.

The Surveyor General moved 2nd reading of A Bill Entitled "The Trade Licence Act amendment Act 1866."

Upon motion of the Col. Secretary 2nded by Mr. Rhodes & agreed to nem. con. The Bill was ordered to be read this day six months.

The Surveyor General moved that A Bill Entitled The Stock & Carcass Act amendment Act be read a 2nd time.

The Colonial Secretary moved as an Amendment that the Bill be read this day six months.

2nd by Mr. Fraser and agreed to nem. con.

The Surveyor General moved the 2nd reading of A Bill Entitled The Harbor Dues Amendment Act 1866.

The Col. Secy. moved as an amendment that the Bill be read this day six months. 2nd by Mr. Rhodes and agreed to nem con.

The Sur. Genl. moved the 2nd reading of A Bill Entitled "An Act to repeal the Salaries Tax Act, 1866."

The Col. Secy. moved that the Bill be read this day six months. 2nded by the Atty. General and agreed to nem. con.

The Sur. General moved the 2nd reading of a Bill Entitled The Vancouver Island Road and Public Works Loan Act, 1866.

The Col. Secy. moved as an amendment that the Bill be read this day six months. 2nded by Mr. Fraser and agreed to nem. con.

The Sur. General moved the 2nd reading of A Bill Entitled the temporary loan Act, 1866.

The Col. Secy. moved as an amendment that the Bill be read this day six months. 2nded by the Atty. Genl. and agreed to nem. con.

The Sur. Genl. moved the 2nd reading of A Bill Entitled "The Liquor Licence Act, 1866."

2nded by the Col. Secy. & agreed to nem. con. Bill passed a 2nd reading & was ordered to be committed.

The Council then adjourned till Wednesday next at two.

William A. G. Young Colonial Secretary and presiding Member

#### Wednesday, the 9th day of May, 1866

The Council met this day at two O'clock.

Present: The Col. Secretary, The Atty. General, The Treasurer, The Surveyor General, Messrs. Fraser, Finlayson, Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read requesting a Conference with the Council upon the subject of the amendments to A Bill Entitled "The District Courts Act, 1866."

The Council agreed that a Conference should take place and fixed Friday next at three O'clock for the purpose.

- Mr. Fraser gave notice that at the next meeting of Council he would ask leave to move for the following Return.
  - 1. The cost of drafting & of printing Bills and other Papers for the Council and for the Assembly during the present Session.
  - 2. The Cost of furnishing all Returns ordered by the House of Assembly during the same Session.
    - 3. The same as regards the Council—same period.
  - 4. To whom payment has been made for these services; and if any sums are owing therefor to state to whom.

The Council then went into Committee upon the Franchise Bill.

The Treasurer in the Chair.

The Presiding Member having resumed the Chair.

The Bill was reported complete with amendments.

Upon motion of Mr. Fraser 2nd by Mr. Rhodes The Bill was read a 3rd time and passed the Council nem. con.

The Council then went into Committee upon the Liquor Licence Amendment Bill. Progress was reported and the Council adjourned until Friday next at two O'clock.

Joseph Needham President

## Friday, the 11th day of May, 1866

The Council met this day at two O'clock.

Present: The Chief Justice, The Col. Secretary, The Attorney General, The Treasurer, Mr. Fraser.

The Minutes of the last meeting having been read & confirmed.

The Members of the Council met a Committee of the Legislative Assembly in conference upon the subject of the amendments of the Council to A Bill Entitled The District Court Act 1866.

The Council then adjourned until Monday at two O'clock.

William A. G. Young Presiding Member

#### Monday, the 14th day of May, 1866

The Council met this day at two O'clock.

Present: The Col. Secretary, The Atty. General, The Treasurer, Hon. H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Message was read forwarding a Bill to Encourage the Establishment of Investment, Savings and Loan Societies also A Bill Entitled "The Sanitary Commission Act 1866."

Upon motion of the Treasurer 2nded by Mr. Rhodes the foregoing Bills were read a 1st time nem. con.

The Council then went into Committee upon A Bill Entitled "The Liquor Licence amendment Act, 1866."

The Treasurer in the Chair.

The Bill was reported complete with amendments.

The Council adjourned until Thursday next at two.

William A. G. Young Colonial Secty. & Presiding Member

#### Thursday, the 17th day of May, 1866

The Council met this day at 3 O'clock.

Present: The Col. Secy., The Treasurer, Mr. Fraser.

The Minutes of the last meeting having been read & confirmed.

A message from the Governor was read forwarding copy Reports of Her Majesty's Secretaries of Embassy & Legation respecting Coal.

Upon motion of the Treasurer 2nded by Mr. Fraser A Bill Entitled An Act to amend the Liquor licence Act 1861 was read a 3rd time and passed the Council with amendments.

The Council then adjourned until tomorrow at two O'clock.

William A. G. Young Colonial Secty. & Presiding Member

## Friday, the 18th day of May, 1866

The Council met at two O'clock.

Present: The Colonial Secretary, The Atty. General, The Treasurer, Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read & confirmed.

The Council went into Committee upon the Homestead Bill.

The Treasurer in the Chair.

Mr. Fraser read a Communication from the Victoria Chamber of Commerce in favour of a Homestead Law.

Progress was reported with the Bill and leave asked to sit again, which having been granted.

The Council adjourned until Tuesday at two O'clock.

William A. G. Young Col Secty. and Presiding Member

## Saturday, the 26th day of May, 1866

The Council met this day at two O'clock.

Present: The Col. Secretary, Attorney General, Messrs. Finlayson, Rhodes.

The Minutes of the last meeting having been read and Confirmed.

A message from the Legislative Assembly was read returning A Bill Entitled "The District Courts Act 1866" which had passed the Legislative Assembly as amended in the Conference holden on the 11th Instant.

The Bill then passed the Council nem. con.

The Council then went into Committee upon the Homestead Bill.

Mr. Rhodes in the Chair.

Progress was reported & leave asked to sit again which having been granted.

The Council adjourned until tomorrow at two O clock.

Joseph Needham President

## Monday, the 28th day of May, 1866

The Council met this day at 3 Oclock.

Present: The Chief Justice, The Atty. General, The Treasurer, Messrs. Rhodes, Fraser.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read returning A Bill Entitled An Act to amend "The liquor Licence Act, 1861" which had been further amended by the Assembly.

The amendments were agreed to by the Council.

A Bill Entitled An Act to incorporate the Town of Nanaimo then came up for a 2nd reading—on the question being put.

The Col. Secretary moved as an amendment that the Bill be read this day six months.

Mr. Fraser 2nded and the amendment was carried nem. con.

- A Bill Entitled The Sanitary Commission Act 1866. came up for a 2nd reading and upon motion of the Colonial Secretary 2nded by the Atty. General was ordered to be read this day six months—nem. con.
- The Colonial Secretary moved 2nded by Mr. Fraser that A Bill Entitled The Victoria Incorporation Act 1862 Amendment Act, 1866, be read a 2nd time.

On the question being put the Bill passed a 2nd reading nem. con. and was Committed.

The Council then adjourned until tomorrow at two O'clock.

Joseph Needham

#### Tuesday, the 29th day of May, 1866

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Treasurer, Mr. Finlayson.

The Minutes of the last meeting having been read & confd.

The following Bills came up in Committee viz. Weights & Measures Bill & Bill to provide for the registration of Births Deaths & Marriages.

It was ordered that the consideration thereof be postponed *sine die.* nem. con.

The consideration of the Imprisonment for debt Bill and Homestead Bill was postponed until next meeting of the Council.

The Council then adjourned until tomorrow at 2.

Joseph Needham President

## Thursday, the 7th day of June, 1866

The Council met this day at 2 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., Messrs. Fraser, Rhodes, Finlayson.

The Minutes of the last meeting having been read and confirmed.

Mr. Fraser pursuant to notice given on the 9th May last that he would at the next meeting of the Council move for a Return of the cost of printing for the two

branches of the Legislature during the last and present Session, with the permission of the Council moved nunc pro tunc<sup>7</sup> that His Excellency The Governor be respectfully requested to cause the said return to be furnished to the House.

The motion was agreed to nem. con.

Mr. Fraser gave notice that at the next meeting of Council he would ask leave to move for a return of the amount belonging to the Crown land fund now on hand, Of the amount past due Of the amount now owing and when the amount owing becomes due and payable.

The Bill to amend the Law of Partnership Came up for a 3rd reading.

The Col. Secy. moved that the Bill be recommitted.

Mr. Fraser 2nded.

Bill recommitted nem. con.

Col. Secy in the Chair.

The President having resumed the Chair.

The Bill was reported complete and upon motion of the Col. Secretary 2nded by Mr. Fraser was read a 3rd time and passed the Council nem. con.

The Council then went into Committee on The Imprisonment for debt Bill.

Mr. Rhodes in the Chair.

Progress was reported and the Council adjourned till 2 Oclock on Monday next.

William A. G. Young Col. Secty. as Presiding Member

## Monday, the 11th day of June, 1866

The Council met at 2 o'clock.

Present: The Col. Secretary, The Atty. Genl., The Treasurer, The Sur. General, Mr. Fraser.

The Minutes of the last meeting having been read & confirmed.

A message from the Legislative Assembly was read transmitting A Bill Entitled An Act to amend the Indian liquor Act, 1860, and also A Bill Entitled the Spring Ridge Water Company's Act 1866.

Upon motion of Mr. Fraser 2nded by the Treasurer The two Bills were read a 1st time.

Mr. Fraser pursuant to notice moved for Returns in reference to Crown revenue.

The Homestead Bill was then recommitted.

The Treasurer in the Chair.

Progress was reported and the Council adjourned until Wednesday at ½ two.

William A. G. Young Col. Secty. as presiding Member

<sup>&</sup>lt;sup>7</sup> I.e., now instead of then.

## Friday, the 15th day of June, 1866

The Council met this day at 3 O'clock.

Present: The Colonial Secretary, The Attorney General, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The Attorney General gave notice that he would move for leave to bring in a Bill to regulate the duties of coroner.

The Council then went into Committee on the Homestead Bill.

The Surveyor General in the Chair.

The Bill was reported complete with amendments.

The Council then went into Committee on the imprisonment for debt Bill.

The Surveyor General in the Chair.

The Bill was reported complete with amendments.

The Council then adjourned until Monday at 2.30.

Joseph Needham President

#### Monday, the 18th day of June, 1866

The Council met this day at 2.30 Oclock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Treasurer, Messrs. Finlayson, Fraser, Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from His Excellency the Governor was read transmitting the following Resolutions passed by the Legislative Assembly, for the consideration and opinion of the Legislative Council.

Resolutions passed the Legislative Assembly the 15 June, 1866.

The House of Assembly of Vancouver Island having considered the condition of the Colony is of opinion,

- 1st. That the Country suffers intensely from causes in a great measure attributable to the continued separation of Vancouver Island and British Columbia and to the very expensive and irresponsible character of the Government of both Colonies.
- 2. That the population of Vancouver Island and British Columbia which exclusive of Indians, does not exceed Ten thousand persons cannot, with its other weighty liability afford more than a salary of Two thousand Pounds for a Governor with proportionate salaries for necessary heads of Departments.
- 3. In view of the above facts the House is of opinion that nothing short of immediate Union of Vancouver Island and British Columbia under a constitution apportioning Representation according to population and giving to the Peoples Representatives control over the mode and amount of taxation and expenditure can stay the rapid decline of both countries and restore the confidence of the Public.
- 4. The House in transmitting the above to Her Majesty's Principal Secretary of State for the Colonies feeling deeply the injury which both Vancouver Island and British Columbia are sustaining from the present state of uncertainty and suspense on the question of Union would respectfully ask for a reply by telegraph as to the

intentions of Her Majesty's Government with regard to the matter during the present Session of the Imperial Parliament, Ordered, That the above resolutions be transmitted to His Excellency the Governor praying that he will cause the same to be telegraphed forthwith to Her Majesty's Principal Secretary of State for the Colonies.

The consideration of the above Resolutions was fixed as the order of the day for tomorrow.

A Message from the Legislative Assembly was read forwarding counter amendments to the Franchise Bill.

Ordered to be laid upon the Table.

The Attorney General pursuant to notice moved for leave to bring in a Bill Entitled An Act to regulate the holding of Coroners Inquests in Vancouver Island and its Dependencies.

The Bill was read a 1st time.

- Upon motion of the Colonial Secretary 2nded by the Atty. General The Homestead Bill was read a 3rd time and passed the Council nem. con.
- Upon motion of the Col. Secy. 2nded by the Atty. General A Bill Entitled The debtors relief Act, 1866, was read a 3rd time and passed nem. con.
- Upon motion of the Colonial Secretary a Bill Entitled "The Spring Ridge Water Company's Act, 1866," was referred to a Select Committee.

The President nominated the following Gentlemen: Mr. Finlayson, Mr. Fraser, Mr. Rhodes.

The Council then went into Committee on the Victoria Incorporation Act amendment Bill.

The Col. Secy. in the Chair.

Progress was reported and the Council adjourned until tomorrow at 2.30 O'clock.

Joseph Needham President

## Tuesday, the 19th day of June, 1866

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer, The Sur. Genl., Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read and confirmed.

- The Council went into consideration of the Message of His Excellency the Governor enclosing copy of Resolutions of the Legislative Assembly in regard to the state of the Colony.
- The Council adjourned until Thursday next at 10 A. M. for the purpose of continuing the consideration thereof.

Joseph Needham President

#### Thursday, the 21st day of June, 1866

The Council met this day at 10 o'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Treasurer, The Sur. General, Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read and confd.

The Colonial Secretary moved that a Bill Entitled "The Coroners Jury Act, 1866" be read a 2nd time.

The Attorney General 2nded the motion and the Bill was read a 2nd time nem. con.

The Council then resumed the consideration of the Resolutions of the Legislative Assembly enclosed in Message of H. E. the Governor of 18 June 1866.

Upon motion of the Hon. D. Fraser 2nded by Hon. R. Finlayson The following Resolutions passed the Council, The Attorney General non. content,

That an humble Address be presented to H. E. the Governor acknowledging receipt of and thanking His Excellency for his Communication of the 18th Instant transmitting certain Resolutions of the Legislative Assembly "on the State of the Colony" for the consideration and opinion of this House.

That the following Resolutions embodying the opinion of this House upon the subject of the Assembly's Resolutions be presented to His Excellency for transmission to Her Majestys Principal Secretary of State for the Colonies.

Resolved—That the Legislative Council of Vancouver Island and its Dependencies having taken into its serious consideration the Resolutions above alluded to feels considerable difficulty in suddenly expressing a decided opinion upon the varied and important subjects embraced in those Resolutions.

That the Council cannot agree in thinking that the Government of this Colony is irresponsible in its character and it fails to see the connection between the depression which at present exists and the constitution of the Government.

That in the opinion of this Council that depression is owing mainly to the decrease of the Mining population of the neighbouring Colony diminishing the Trade of Victoria: to overtrading: to differential duties imposed by the Sister Colony and since the Entire separation of the two Governments in 1864 to Excessive commercial credits: to speculations in Mining Adventures to a course of political agitation which has had the effect of paralyzing credit and repelling capital.

That it appears however to the Council that the evil has been aggravated by the uncertainty and suspense which have so long existed on the question of Union; and that it would be highly expedient that the final decision of Her Majestys Government on that subject should be obtained and communicated with as little delay as possible.

Upon motion of the Col. Secy. 2nded by the Treasurer A Bill Entitled "the Mechanics Lien Act 1866," was ordered to be read this day six months nem. con.

- Upon motion of the Col. Secy. 2nded by the Atty. Genl. A Bill Entitled An Act respecting Ferries was ordered to be read this day six months nem. con.
- Upon motion of the Atty. General 2nded by Mr. Finlayson A Bill respecting the descent of real Property was ordered to be read this day six months—nem. con.
- The Council then resolved itself into Comtee. and took into consideration the Comtee. amendments of the Legislative Assembly to the amendments of the Council to the Franchise Bill.

The Committee reported that some of the amendments had been agreed to and others not agreed to.

Mr. Fraser gave notice that he would at the next meeting of Council move a Resolution in regard to the differential duties charged by the Colony of British Columbia on Vancouver Island merchandize.

Council adjourned until Monday at 2.30.

Joseph Needham President

#### Monday, the 25th day of June, 1866

The Council met this day at half past two O clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer, The Sur. General, Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read and confirmed.

A message from the Governor was read transmitting copy of a Despatch from the Secy. of State for the Colonies in reference to the sale of liquor to Indians.

Ordered to be laid upon the table.

Mr. Fraser pursuant to notice moved the following Memorial. Mr. Finlayson 2nded. Agreed to nem. con.

Resolved unaminously this 25 day of June 1866 that the following Memorial on the subject of the differential duties levied upon the Merchandize of this Colony be addressed to Her Majesty's Principal Secy. of State for the Colonies and that His Excellency be respectfully requested to be pleased to forward the same, namely:

To the Right Honble. Edward Cardwell, Esquire,

H. M. Principal Secretary of State for the Colonies.

The Memorial of the Legislative Council of Vancouver Island & its Dependencies respectfully sheweth.

That your Memorialists submit for consideration the following facts.

- 2. That goods shipped from Vancouver Island to British Columbia are by the mode of valuation adopted in British Columbia charged with a greater amount of duty than Goods shipped from any other Country.
- 3. That this differential duty is so great that upon an Invoice of £1000. of goods from the United States or France or any other Country—taken as an illustration—

the duty levied amounts to £200, only while on an Invoice of the same amount from Vancouver Island it amounts to £300.

- 4. That while such differential duty fails to produce any advantage to British Columbia it has a tendency ruinous to the Trade of Vancouver Island.
- 5. That the above duties are levied under an Ordinance passed in British Columbia on the 15 day of February 1865.
- 6. That the above Ordinance is contrary to the Royal Instructions issued by the Imperial Govt. to the Governor of B. Columbia paragraph 14 which forbids the imposition of differential duties.
- 7. That such a tariff is contrary to the comity which ought to exist between two sister Colonies: contrary to the true interests of both and calculated to inspire disunion and hostility between them.
- 8. That having regard to the above facts and believing that the said Ordinance has not yet been ratified by the Queen in Council.
- 9. Your Memorialists humbly pray that the same may be disallowed as being prejudicial to the true interests of both Colonies, injurious to the trade of Vancouver Island;—contrary to the letter and spirit of the Royal instructions and opposed to the Imperial policy of free and unrestricted Trade.

And your memorialists will ever pray.

Upon motion of the Sur. General A Bill for the Protection of Inventions passed a 2nd reading and was committed.

The Council then went into Committee on the Coroners Bill.

The Col. Secy in the Chair.

The Bill was reported complete without amendments.

Mr. Finlayson presented a petition numerously signed by parties praying the Council to pass the Law legalizing the sale of liquor to Indians.

Ordered to be laid upon the Table.

The Amendments on the Amendments of the L. Assembly were then read a 2nd time and passed.

The Council then adjourned until tomorrow at 2.30.

William A. G. Young Col. Secty. as presiding Member

## Tuesday, the 26th day of June, 1866

The Council met this day at Three Oclock.

Present: The Colonial Secy., The Attorney General, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

A Bill Entitled "The Coroners Jury Act, 1866," was read a third time and passed the Council.

The Council then adjourned until Monday next at 2,30 O clock.

Joseph Needham President

## Tuesday, the 3rd day of July, 1866

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer, Messrs. Fraser, Rhodes.

The Minutes of the last meeting having been read & confd.

Mr. Fraser presented a Petition signed by 123 persons against the passing by the Council of the Bill to legalize the sale of liquor to Indians.

It was ordered that The Petition be laid upon the Table.

- On motion of the Attorney General 2nded by Mr. Fraser A Bill Entitled An Act to encourage the Establishment of Investment, Savings and loan Societies was read a 2nd time nem. con. and committed.
- The Council then went into Committee on A Bill Entitled the Victoria Incorporation Act amendment Act 1866.

Mr. Fraser in the Chair.

Progress was reported and the Council adjourned until Tuesday next the 10th Instant at 11 Oclock A. M.

Joseph Needham President

#### Tuesday, the 10th day of July, 1866

The Council met this day at 11 O'clock A.M.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Sur. General, Messrs. Fraser, Rhodes.

The Minutes of the last meeting having been read & confd.

- A message from the Legislative Assembly was read transmitting A Bill Entitled The Temporary Loan Act 1866.
- A message was also read covering the Franchise Bill the Amendments of the Council not having been agreed to by the Assembly.
- Upon motion of the Colonial Secy. 2nded by the Treasurer, The Temporary Loan Bill was read a 1st time nem. con.
- The Council then resumed the consideration, in Committee, of a Bill Entitled An Act to amend the Victoria Incorporation Act 1862.

Progress was reported and leave obtained to sit again.

Upon motion of the Col. Secy. 2nded by the Treasurer the Standing orders of the Council were suspended and A Bill Entitled The Temporary Loan Act, 1866 read a 2nd time.

Mr. Fraser non content.

The Council then adjourned until tomorrow at 11 A. M.

Joseph Needham President

## Wednesday, the 11th day of July, 1866

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Treasurer, Messrs. Fraser, Rhodes.

The Minutes of the last meeting having been read & confd.

Upon motion of the Col. Secy. 2nded by the Treasurer A Bill Entitled "The Temporary Loan Act, 1866" was read a third time and passed the Council nem. con.

The Council then adjourned until Monday the 16th Instant at 2.30.

William A. G. Young Col. Secty. and presiding Member

#### Tuesday, the 24th day of July, 1866

The Council met this day at 2.30 O'clock.

Present: The Col. Secretary, The Atty. General, Messrs. Rhodes, Fraser.

The Minutes of the last meeting having been read & confirmed.

The Council took into consideration a Message from the Legislative Assembly returning A Bill Entitled An Act to amend "The Franchise Act 1859" the amendments of the Council thereto not having been agreed to.

Upon motion of Mr. Fraser 2nded by Mr. Rhodes It was ordered that the Bill do lie on the table.

The Council then went into Committee on the Victoria Incorporation Act amendment Bill.

Mr. Rhodes in the Chair.

Progress was reported and leave asked to sit again which having been granted.

The Council adjourned 'till 2.30 on Friday next.

William A. G. Young Col. Secty. and presiding Member

## Tuesday, the 14th day of August, 1866

The Council met this day at 2 30 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, Mr. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Governor was read enclosing copy of papers which had been presented to the Imperial Parliament in reference to the proposed union of Vancouver Island and British Columbia.

- A message from the Legislative Assembly was read returning a Bill Entitled "an Act to Exempt the Homestead from forced sale and seizure in certain cases—" with two Amendments thereto and which were agreed to by the Council.
- A message was also read enclosing a Bill Entitled An Act to amend the Victoria & Esquimalt Harbour dues Act 1862.

The Bill was read a 1st time nem. con.

A further message was received and read returning A Bill to amend the Law of Arrest and imprisonment for debt which had passed the Legislative Assembly.

It was ordered that the Bill be engrossed and sent up for the Assent of His Excellency the Governor.

The Council then adjourned until Friday at two O'clock.

Joseph Needham President

## Friday, the 17th day of August, 1866

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer.

The Minutes of the last meeting having been read & confirmed.

A message from the Lower House was read returning a Bill Entitled The Coroner's Jury Act, 1866 with amendments.

Upon motion of the Colonial Secretary 2nded by the Treasurer the amendments were agreed to nem. con.

A message was also read transmitting A Bill Entitled "An Act to amend the Road Act. 1860."

Upon motion of the Col. Secy. 2nded by the Treasurer The Bill was read a 1st time nem con.

A message was also read transmitting a Bill Entitled An Act to apply the sum of \$248,963 \$\frac{32}{100}\$ to the service of the year, 1866.

Upon motion of the Col. Secy. 2nded by the Treasurer The Bill passed a 1st reading.

The Council then took into consideration the amendments made by the Lower House to the Homestead Bill.

Upon motion of the Col. Secy. 2nded by the Treasurer The amendments were agreed to.

The Council then adjourned until Wednesday next at two-

William A. G. Young Col. Secty. & presiding Member

#### Wednesday, the 22nd day of August, 1866

The Council met at 2.30 O clock.

Present: The Colonial Secretary, The Treasurer, Mr. Rhodes.

The Minutes of the last meeting having been read and confd.

Upon motion of the Treasurer 2nded by Mr. Rhodes A Bill Entitled An Act to amend "the Road Act 1860" was read a 2nd time and committed.

The order of the day being the 2nd reading of A Bill Entitled An Act to apply the sum of \$248,963<sup>32</sup>/<sub>100</sub> to the service of the year 1866.

Mr. Rhodes moved the 2nd reading.

On the question being put, The Treasurer non content.

The Chairman voted for the 2nd reading and the Bill passed a 2nd reading accordingly and was committed.

The Council then adjourned until Monday at two O'clock.

President Joseph Needham

## Monday, the 27th day of August, 1866

The House met this day at 3 O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Hon. H. Rhodes.

The Minutes of the last meeting having been read & confd.

- The Atty. General gave notice of motion to bring in a Bill to regulate the law of trespass on land by cattle and other animals and also A Bill to amend the Bill of Sale Act 1861.
- The Council then resolved into Committee on a Bill to apply the sum of \$248,963<sup>32</sup> to the service of the year, 1866.

Mr. Rhodes in the Chair.

The Bill was reported complete with amendments.

The House then went into Committee on a Bill to amend the Road Act, 1860.

Mr. Rhodes in the Chair.

The Bill was reported complete without amendments—and the Council adjourned until tomorrow at two O'clock.

Joseph Needham President

## Tuesday, the 28th day of August, 1866

The House met at 3 O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read & confd.

- The Attorney General pursuant to notice brought in a Bill to regulate the law of trespass on land by cattle and other animals and moved that it be read 1st time.

  Col. Secy. 2nded the motion and the Bill passed a 1st reading.
- The Atty. General also, pursuant to notice brought in A Bill to amend the Bill of Sale Act 1861 and moved that it be read a 1st time.

The Col. Secy. seconded the motion and the Bill passed a 1st reading nem. con.

- Upon motion by the Col. Secy. 2nded by Mr. Rhodes A Bill to amend the Road Act, 1860, was read a 3rd time and passed.
- Upon motion of the Col. Secy. 2nded by Atty. General The Appropriation Bill was read a 3rd time and passed.
- The House then went into Committee with Patent Bill—Mr. Rhodes in the Chair.

  The Bill was reported complete with amendments.

Upon motion of the Col. Secy. 2nded by the Atty. General The Bill was read a 3 time & passed the Council.

The Council then went into Committee on A Bill to amend the Victoria Incorporation Act 1862.

Mr. Rhodes in the Chair.

- The Bill was reported complete with amendments and upon motion of the Col. Secy. 2nded by the Atty. General The Bill was read a 3rd time & passed.
- The Col. Secy. moved that a Bill Entitled The Harbor dues Amendment Act be read a 2nd time.

2nded by the Atty. General & Bill passed a 2nd reading nem. con.

The Council then adjourned until tomorrow at two O'clock.

Joseph Needham

## Wednesday, the 29th day of August, 1866

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Col. Secretary, The Attorney General, Mr. Rhodes.

The Minutes of the last meeting having been read & confirmed.

A message was received & read returning A Bill to amend the Victoria Incorporation Act 1862, the Legislative Assembly not agreeing to the amendments of the Council thereto.

A message was also read returning A Bill Entitled An Act to grant the sum of \$2489633\(^2\)/<sub>100</sub> to the service of the year, 1866, the amendments of the Council not having been agreed to.

Upon motion of the Col. Secy. the Consideration of the Message was fixed for tomorrow.

Atty. Genl. moved the 2nd reading of The Cattle trespass Bill.

Bill passed 2nd reading nem. con.

The Atty. Genl. moved 2nd reading of Bill of Sale Amendment Act.

Bill passed 2nd reading nem. con.

Council then went into Committee on the Harbor dues Amendment Bill.

Mr. Rhodes in the Chair.

The Bill was reported complete with amendments.

The Council then adjourned till tomorrow at two.

William A. G. Young Colonial Secretary as Presiding Member

## Thursday, the 30th day of August, 1866

The Council met this day at 3 O'clock.

Present: The Col. Secretary, The Atty. General, Messrs. Rhodes, Finlayson.

The minutes of the last meeting having been read & confd.

Upon motion of the Atty General The Harbour dues Act Amendment Bill was read a 3rd time & passed.

The Council then resolved into Committee to consider a message from the Legislative Assembly stating that they had not agreed to the Amendments of the Council to A Bill to apply the sum of \$248963<sup>32</sup>/<sub>100</sub> to the service of the Year, 1866.

Mr. Finlayson in the Chair.

The Presiding Member having resumed the Chair.

The Committee reported that the message had been considered and certain resolutions adopted.

The Resolutions having been read were agreed to unanimously.

Resolved—That this Council has unanimously agreed to the grant to the Crown of  $$248,963^{32}/_{100}$  for the public service of the Colony for the year 1866, but this Council has been compelled to reject the Schedule accompanying the Bill in which such grant was made by the Legislative Assembly inasmuch as that Schedule contained numerous tacks or clauses wholly foreign to the principle and purport of the Bill to which it was attached and of which it purported to form apart and in particular reproduced one measure which this Council had already this Session rejected.

That while this Council does not desire to interpose between the Crown and the Legislative Assembly in matters of supply and is prepared by its vote to confirm and support any constitutional application of public moneys towards the various and necessary objects of the public service yet at the same time it feels bound to record its deliberate opinion that any attempt on the part of the Legislative Assembly to coerce the action of the Legislative Council by annexing to Supply Bills matters foreign to their expressed object and purport is both irregular and unconstitutional and calculated seriously to embarrass public affairs and to impede the progress and prosperity of the Colony.

Resolved—That the Supply Bill be sent Back to the Legislative Assembly with a copy of the foregoing Resolution.

The Council then went into Committee on the Cattle trespass Bill.

The Atty. Genl. in the Chair.

The Bill was reported complete and was read a 3rd time & passed.

The Council in Committee on the Bill of Sale Act Amendment Act.

The Atty, Genl, in the Chair.

The Bill was reported complete and read a 3rd time & passed.

The Council then adjourned till tomorrow at 2.

William A. G. Young Colonial Secretary as Presiding Member

## Friday, the 31st day of August, 1866

The Council met this day at two O'clock.

Present: The Colonial Secretary, The Atty. General, Messrs. Rhodes, Finlayson.

The Minutes of the meeting having been read & confd.

A message from the Legislative Assembly was read returning A Bill Entitled An Act to amend the Victoria & Esquimalt Harbours dues Act, the amendments of the Council thereto having been agreed to save the one made to clause III.

The Council agreed to waive its amendment and adjourned 'till tomorrow at 11 O'clock.

Joseph Needham President

## Sunday, the 1st day of September, 1866

The Council met at 11 A.M.

Present: The Chief Justice, The Col. Secretary, The Acting Atty. General, The Treasurer, The Acting Surveyor General, Mr. Rhodes.

The Minutes of the last meeting having been read & confirmed.

A message from the Legislative Assembly was read transmitting the following Resolutions:

Resolved, That the House in reply to the Resolutions of the hon. Legislative Council, dated August 30, 1866, is of the following opinion:

- 1. That the Legislative Council does not possess any constitutional right to originate, amend or alter a bill granting a supply to the Crown, or to alter, amend, or strike out the schedule of any such bill or any part thereof, or even to suggest to this House a desire to amend, alter, or strike out any part of a Bill granting a supply to the Crown, or even to correct any portion of such Bill, unless the same is clearly a clerical error contrary to the resolutions of this House in Supply, or even to return such a bill to this House except when assented to by the Council.
- 2. That this House recognizes no right or privilege whatever, in the Hon. Legislative Council, respecting a bill in which this House grants a supply to the Crown, except the constitutional right to reject or assent to such bill.
- 3. That this House possesses the sole and exclusive right to grant supplies to the Crown, and in every Bill of Supply to limit the time for which such grant shall be made, to name the amount of money to be expended for each and every service chargeable on the general revenue, and to attach such conditions to every such grant as in the judgment of this House is right, proper, and for the public good.
- 4. That the hon. Legislative Council, in striking out the Schedule to the Bill of Supply for 1866, with the intention of leaving the total grant for 1866, viz.: the sum of \$248,963.32, to be expended at the discretion of the Executive independently of the wishes of this House; and in twice returning such Bill so amended to this House (without the Schedule) has exceeded its lawful authority, has violated the undoubted privileges of this House, has endangered the liberties of the people and of this House, and has interposed an unlawful authority between this House and the Crown, thereby retarding the best interests of the country by preventing this House from granting a Supply to the Crown for the current year.
- 5. That this House denies that the Schedule to the Bill of Supply contains any "tacks", "clauses" or provisions "foreign to the principle and purport" of the said Bill, or anything that this House has not a lawful and undoubted right to attach thereto.
- 6. That if any one measure is reproduced in the schedule which the Legislative Council has rejected this session, this House is not aware of it; but even if such one measure so rejected has been reproduced, and if such one measure is a condition attaching to the duties of any public officer paid out of the general revenue, this House maintains that it had and has an undoubted right to attach such a condition thereto. That even if such condition or "one measure" were attached unconstitutionally to the Supply Bill (which this House denies) the only authority that the hon. Legislative Council could constitutionally exercise, would be the right to assent to or reject the Bill as a whole; but it possesses no authority to attempt to amend a Bill of Supply for any such cause.
- 7. That this House deliberately, and unequivocally declares that it has not made "any attempt" whatever "to coerce the action of the Legislative Council" by inserting anything whatever in the Supply Bill or in the Schedule thereto. That whatever provisions there may be in the body of the Bill of Supply or in the Schedule thereto, have been made in the exercise of the undoubted right of this House to grant a Supply to the Crown, subject to such limitations as in the judgment of this House are best calculated to guard against an undue expenditure of the general revenue, and at the same time to "promote the progress and prosperity of the Colony."

Resolved, That the above Resolutions be transmitted to the Legislative Council.

The Col. Secretary moved that the following Resolution be entered on the Minutes of the Council.

That this Council has received the resolutions of the Legislative Assembly, dated the 31st August, 1866. That this Council does not concur in the statements therein contained, the same being in opposition to documentary evidence that has been and is before the Council.

In doing so he commented upon the Resolutions of the Assembly seriatum. and he pointed out that the principal matters comprised in those Resolutions were really foreign to the point at issue between the Council and the Assembly —that point was not any assumption by the Council of equal rights with the Assembly in respect of Bills of Supply—he would not assert that the Council did not possess equal rights, but at all events the Council if they did, following the principle of the constitution but were in reality in opposition to and could be controverted by the Documentary Evidence he has cited, viz., the Royal Commission & Instructions and the Schedule to the so-called Supply Bill, but as the Session would last but for a few hours longer, and as the Supply Bill had not been sent back from the Lower House he thought it inexpedient for the Council to do more than to record the receipt of the Resolutions and the dissent of the Council from their tenor and he concluded by formally moving the adoption of the Resolution he had laid upon the Table, at the same time emphatically disclaiming any participation on the part of the Council in the absence this year of a Supply Bill.

The Attorney General concurred generally in what had been stated by the Hon. the Colonial Secretary. He stated that the Bill sent up as a Supply Bill might with equal propriety have been called a Bill for the repeal of the Real Estate Tax Act, and to regulate other matters, and he characterized it as improper and unconstitutional in form. He deprecated any Colonial Legislature arrogating to themselves the right of exercising the time honored powers and privileges of the House of Lords and Commons in England and he maintained that the Legislature of this Colony could only frame Bills with constitutional limits and those limits were to be found in the source of their power—the Royal Commission and Instructions. He concluded by seconding the Resolution of the Hon. Colonial Secretary.

The Hon. Mr. Rhodes concurred in the Resolution but considered that full minutes of the proceedings should be entered on the Records of the Council to explain what was the nature of the Documentary evidence alluded to in the Resolution.

The Hon. the Treasurer stated that altho' absent at the two previous sittings he entirely agreed in the action of the mother Country, did not desire, upon the present occasion, to exercise any such right—that was not the question at issue. That question was at present confined solely to the mixing up of different matters in one and the same Bill which the Legislature were forbidden to do by the Queen's Instructions, which Instructions virtually formed the Constitution of the Colony, and in mixing up those matters foreign to the title and purport of the Bill the Assembly did through the Agency of the Supply Bill seek to coerce the action of the Council and to restrict its powers. He pointed out that all the powers and privileges claimed and asserted by the Assembly in those Resolutions were founded upon no authority whatever, that they were a mere series of assertions which were in no way borne out by the evidence before the Council, viz. the Queen's Commission and Instructions to the Governor which were the source from whence the Assembly as well as the Council derived their legislative powers and he called especial attention to

the Resolutions in respect of the reproduction of measures which had already been rejected by the Council and the consequent attempt to "coerce" the Council. He was of opinion that a direct denial was given to the statements made in those Resolutions by the Schedule of the so called Supply Bill—A Bill to repeal the Real Estate Tax Act had in the earlier part of the Session been sent up from the Lower House and had been rejected by the Council. The so called Supply Bill had passed through the Lower House subsequently to that rejection and in the Schedule of the Bill as subsequently passed a clause was inserted providing for the repeal of the Real Estate Tax Act. If the previous Bill had not been rejected by the Council why the insertion of that clause? He therefore contended that the Entire Resolutions of the House were not only a series of unsupported statements of the Council in respect of this matter and would support the motion of the Hon. Colonial Secretary.

The Resolution was then put and carried unanimously.

The Colonial Secretary moved that a copy of the Resolution of this Council of the 30th August 1866 and of the present Resolution and Minutes of proceedings be forwarded for the information of His Excellency The Governor.

2nded by Mr. Rhodes and carried unanimously.

A message with The Bill of Sale Act amendment Act 1866 which had passed the Legislative Assembly was read.

The Council then adjourned until this day week.8

Printed by K. M. MACDONALD, Printer to the Queen's Most Excellent Majesty in right of the Province of British Columbia.

1975

<sup>&</sup>lt;sup>8</sup> Governor Kennedy prorogued the legislature on 1 September 1866. In keeping with the terms of the Franchise Act, 1859, which limited the duration of the House to three years from the date of its first meeting, he dissolved the legislature on 2 September 1866. *Government Gazette Extraordinary*, Vancouver Island, 1 September 1866.



#### APPENDIX A

# CHARTER OF GRANT TO VANCOUVER'S ISLAND TO THE HUDSON'S BAY COMPANY

#### ROYAL GRANT

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these Presents shall come, greeting:

Whereas by the Royal Charter or Letters Patent of his late Majesty King Charles the Second, bearing date the 2d day of May, in the 22d year of his reign, his said late Majesty did (amongst other things) ordain and declare that the Governor and Company of Adventurers of England trading into Hudson's Bay, thereby incorporated, and their successors by that name, should at all times thereafter be personable and capable in law to have, purchase, receive, possess and enjoy and retain lands, rents, privileges, liberties, jurisdictions, franchises and hereditaments, of what nature or kind soever they were, to them or their successors: And also to give, grant, demise, alien, assign and dispose lands, tenements and hereditaments, and to do and execute all and singular other things by the same name that to them should or might appertain to do:

And his said late Majesty did thereby for himself, his heirs and successors, give, grant and confirm unto the said Governor and Company and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they should be, that lay within the entrance of the straits, commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that were not already actually possessed by or granted to any of his said late Majesty's subjects, or possessed by the subjects of any other Christian prince or state, with the fishing of all sorts of fish, whales, sturgeons and all other royal fishes in the seas, bays, inlets and rivers within the premises, and the fish therein taken; together with the royalty of the seas upon the coasts within the limits aforesaid, and all mines royal, as well then discovered as not then discovered, of gold, silver, gems and precious stones to be found or discovered within the territories, limits and places aforesaid, and that the said land should be from thenceforth reckoned and reputed as one of his said late Majesty's plantations or colonies in America:

And further, his said late Majesty did thereby for himself, his heirs and successors, make, create and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and properties of the same territory, limits and places aforesaid, and of all other the premises (saving always the faith, allegiance and sovereign dominion due to his said late Majesty, his heirs and successors, for the same); to hold, possess and enjoy the said territory, limits and places, and all and singular other the premises thereby granted as aforesaid, with their and every of their rights, members, jurisdictions, prerogatives, royalties

and appurtenances whatsoever to them the said Governor and Company and their successors for ever; to be holden of his said late Majesty, his heirs and successors, as of his manor of East Greenwich, in the county of Kent, in free and common soccage, and not in capite or by knight's service; yielding and paying yearly to his said late Majesty, his heirs and successors, for the same, two elks and two black beavers whensoever and as often as his said late Majesty, his heirs and successors, should happen to enter into the said countries, territories and regions thereby granted:

And whereas by an Act passed in the Session of Parliament held in the 43d year of the reign of his late Majesty King George the Third, intituled, "An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces," it was enacted, that from and after the passing of that Act all offences committed within any of the Indian territories or parts of America not within the limits of either of the said provinces of Lower or Upper Canada, or of any civil government of the United States of America, should be and be deemed to be offences of the same nature, and should be tried in the same manner and subject to the same punishment as if the same had been committed within the provinces of Upper or Lower Canada, and provisions were contained in the said Act regulating the committal and trial of the offenders:

And whereas by an Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty King George the Fourth, intituled, "An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of North America," after reciting, among other things, that doubts had been entertained whether the provisions of said Act of the 43d of George the Third, extended to the territories granted by charter to the said Governor and Company, and that it was expedient that such doubts should be removed, and that the said Act should be further extended; it was enacted (amongst other things), that from and after the passing of said last-mentioned Act, it should be lawful for his then Majesty, his heirs and successors, to make grants, or give his royal license, under the hand and seal of one of his Majesty's Principal Secretaries of State, to any body corporate or company, or person or persons, of or for the exclusive privilege of trading with the Indians in all such parts of North America as should be specified in any of such grants or licenses respectively, not being part of the lands or territories theretofore granted to the said Governor and Company of Adventurers of England trading into Hudson's Bay, and not being part of any of his Majesty's provinces in North America, or of any lands or territories belonging to the United States of America, subject to the provisions and restrictions in the said Act mentioned:

And it was thereby further enacted, that the said Act of the 43d of George the Third, and all the clauses and provisoes therein contained, should be deemed and construed, and was and were thereby respectively declared to extend to and over, and to be in full force in and through all the territories theretofore granted to the said Company of Adventurers trading to Hudson's Bay:

And whereas by Our grant or royal license, bearing date the 30th day of May 1838, under the hand and seal of one of Our then Principal Secretaries of State, We granted and gave Our license to the said Governor and Company and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and westward of the lands and territories belonging to the United States of America as should not form part of any of Our Provinces in North America, or of any lands or territories belonging to the United States of America, or to any European government, state or power, subject nevertheless as therein mentioned:

And We did thereby give and grant and secure to the said Governor and Company and their successors, the sole and exclusive privilege, for the full period of 21 years from the date thereof, of trading with the Indians in all such parts of North America as aforesaid, except as therein mentioned, at the rent therein reserved, and upon the terms and subject to the qualification and power of revocation therein contained:

And whereas by a treaty between Ourselves and the United States of America, for the settlement of the Oregon boundary, signed at Washington on the 15th day of June 1846, it was agreed upon and concluded (amongst other things) as follows:—That from the point of the 49th parallel of north latitude, where the boundary laid down in existing treaties and conventions between Great Britain and the said United States terminated, the line of boundary between Our territories and those of the United States should be continued westward along the said parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of De Fuca's Straits to the Pacific Ocean: Provided, however, that the navigation of the whole of the said channel and straits south of the 49th parallel of south latitude should remain free and open to both parties:

And whereas certain of Our lands and territories in North America lie to the westward and also to the northward of the territory granted to the said Governor and Company by the hereinbefore recited grant or letters patent of his said late Majesty King Charles the Second, and which is, pursuant to the direction in that behalf contained in such grant or letters patent, called or known as Rupert's Land, and to the eastward of the territories the boundary line of which is defined by the hereinbefore recited treaty with the United States of North America:

And whereas under the said last-mentioned grant or letters patent, and also under our hereinbefore recited grant or license of the 30th day of May 1838, the said Governor and Company have traded as well within as beyond the limits of the lands and territories granted to them by the said grant or letters patent of his said late Majesty King Charles the Second, and have, in connexion with and for the protection of their trade beyond the said limits, been in the habit of erecting forts and other isolated establishments without the said limits, and some of such forts and establishments of the said Governor and Company are now existing in that part of Our said territories in North America, including Vancouver's Island, the boundary line between which and the territories of the said United States is determined by the hereinbefore recited treaty between Ourselves and the said United States:

And whereas it would conduce greatly to the maintenance of peace, justice and good order, and the advancement of colonization and the promotion and encouragement of trade and commerce in, and also to the protection and welfare of the native Indians residing within that portion of Our territories in North America, called Vancouver's Island, if such island were colonized by settlers from the British dominions, and if the property in the land of such island were vested for the purpose of such colonization in the said Governor and Company of Adventurers of England trading into Hudson's Bay; but nevertheless, upon condition that the said Governor and Company should form on the said island a settlement or settlements, as hereinafter mentioned, for the purpose of colonizing the said island, and also should defray the entire expense of any civil and military establishments which may be required for the protection and government of such settlement or settlements (except, nevertheless, during the time of hostilities between Great Britain and any foreign European or American power):

Now know ye, that We, being moved by the reasons before mentioned, do by these presents, for us, Our heirs and successors, give, grant and confirm unto the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, all that the said island called Vancouver's Island, together with all royalties of the seas upon the coasts within the limits aforesaid, and all mines royal thereto belonging:

And further We do, by these presents, for Us, Our heirs and successors, make, create and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and proprietors of the same territories, limits and places, and of all other the premises (saving always the faith, allegiance and sovereign dominion due to Us, Our heirs and successors for the same); to have, hold, possess and enjoy the said territory, limits and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, royalties and appurtenances whatsoever to them, the said Governor and Company, and their successors for ever, to be holden of Us, Our heirs and successors, in free and common soccage, at the yearly rent of Seven shillings, payable to Us and Our successors for ever, on the First day of January in every year:

Provided always, and We declare, that this present grant is made to the intent that the said Governor and Company shall establish upon the said island a settlement or settlements of resident colonists, emigrants from Our United Kingdom of Great Britain and Ireland, or from other Our dominions, and shall dispose of the land there as may be necessary for the purposes of colonization; and to the intent that the said Company shall, with a view to the aforesaid purposes, dispose of all lands hereby granted to them at a reasonable price, except so much thereof as may be required for public purposes; and that all monies which shall be received by the said Company for the purchase of such land, and also from all payments which may be made to them for or in respect of the coal or other minerals to be obtained in the said island, or the right of searching for and getting the same, shall (after deduction of such sums by way of profit as shall not exceed a deduction of 10 per cent.

from the gross amount received by the said Company from the sale of such land, and in respect of such coal or other minerals as aforesaid) be applied towards the colonization and improvement of the island; and that the Company shall reserve for the use of Us, Our heirs and successors, all such land as may be required for the formation of naval establishments, We, Our heirs and successors, paying a reasonable price for the same; and that the said Company shall, once in every two years at the least, certify under the seal of the said Governor and Company, to one of Our Principal Secretaries of State, what colonists shall have been from time to time settled in the said island, and what land shall be disposed of as aforesaid:

And We further declare, that this present grant is made upon this condition, that if the said Governor and Company shall not, within the term of five years from the date of these presents, have established upon the said island a settlement of resident colonists, emigrants from the United Kingdom of Great Britain and Ireland, or from other Our dominions; and it shall at any time, after the expiration of such term of five years, be certified to Us, Our heirs or successors, by any person who shall be appointed by Us, Our heirs or successors, to inquire into the condition of such island, that such settlement has not been established according to the intent of this Our grant, or that the provisions hereinbefore mentioned respecting the disposal of land, and the price of lands and minerals, have not been respectively fulfilled, it shall be lawful for Us, Our heirs and successors, to revoke this present grant, and to enter upon and resume the said island and premises hereby granted, without prejudice, nevertheless, to such dispositions as may have been made in the meantime by the said Governor and Company of any land in the said island for the actual purpose of colonization and settlement, and as shall have been certified as aforesaid to one of Our Principal Secretaries of State:

And We hereby declare, that this present grant is and shall be deemed and taken to be made upon this further condition, that We, Our heirs and successors, shall have, and We accordingly reserve unto Us and them, full power, at the expiration of the said Governor and Company's grant or license of or for the exclusive privilege of trading with the Indians, to re-purchase and take of and from the said Governor and Company the said Vancouver's Island and premises hereby granted, in consideration of payment being made by Us, Our heirs and successors, to the said Governor and Company, of the sum or sums of money theretofore laid out and expended by them in and upon the said island and premises, and of the value of their establishments, property and effects then being thereon.

In witness whereof, We have caused these Our letters to be made patent. Witness Ourselves, at Westminster, the 13th day of January 1849, in the twelfth year of Our reign.

By Writ of Privy Seal.

#### APPENDIX B

# COMMISSION AND INSTRUCTIONS TO RICHARD BLANSHARD, GOVERNOR OF VANCOUVER ISLAND<sup>1</sup>

COMMISSION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To our Trusty and well-beloved Richard Blanshard, Esquire Greeting,

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 13th of January 1849, in the 12th year of Our reign We did give, grant, and confirm to the Governor and Company of Adventurers of England, trading into Hudson's Bay, and their successors, that portion of Our Territories in North America called Vancouver's Island, together with all Royalties of the Seas, upon the Coasts within the limits aforesaid, and all mines Royal thereto belonging: And did thereby for Us, Our heirs and successors, make, create and constitute, the said Governor and Company for the time being, and their successors, the true and absolute Lords and Proprietors of the same Territories, Limits and places, and of all other the Premises (saving always the Faith, Allegiance and Sovereign Dominion due to us, Our heirs and successors, for the same, to have, hold, possess, and enjoy the said territory, limits and places, and all and singular other the premises thereby granted as aforesaid, with their and every of their rights, members, royalties, and appurtenances whatsoever, to them, the said Governor and Company, and their successors, for ever, to be holden of Us, Our heirs and successors, in free and common soccage, at the yearly rent of seven shillings, payable to Us and Our successors for ever, on the first day of January in every year: PROVIDED always, and we did declare, That the said Grant was made to the intent that the said Governor and Company should establish upon the said Island, a Settlement or Settlements of resident Colonist, Emigrants from Our United Kingdom of Great Britain and Ireland, or from other Our Dominions, and should dispose of the land there as may be necessary for the purpose of promoting Settlements (and for the actual purpose of promoting settlements,) and for the actual purposes of Colonization, as relation being had to the said recited Letters Patent will more fully and at large appear.

AND WHEREAS we deem it expedient to make provision for the Government of the Settlement, or Settlements so to be formed in the said Island:

Now know you, that we, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said RICHARD BLANSHARD, of Our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint you, the said Richard Blanshard, to be Our Governor and Commander-in-Chief in and over Our Island of Vancouver and the Islands adjacent between the 49th and 52nd degrees of North latitude, as also of all Forts and Garrisons erected and established, or to be erected and established, in the said Island of Vancouver and the Islands adjacent, for and during Our will and pleasure.

<sup>&</sup>lt;sup>1</sup> Great Britain, Colonial Office, CO 381/77, 23-74.

And we do hereby require and command you to do and execute all things in due manner that shall belong unto your said Command and the trust We have reposed in you according to the several powers and authorities granted or appointed you by this present Commission, and the instructions herewith given you, or according to such further powers, directions and authorities as shall at any time hereafter be granted or appointed you, under Our Sign Manual and Signet, or by Our Order in our Privy Council, or by Us, through One of Our Principal Secretaries of State, and according to such reasonable laws and statutes as shall hereafter be made and agreed upon by you with the advice and consent of the Council and Assembly of Our said Island and its Dependencies, under your Government.

And We do hereby Grant, appoint, and Ordain that you, and such other persons as are hereinafter designated, shall constitute and be a Council for the said Island. And we do hereby direct and appoint, that in addition to yourself, the said Council shall be composed of such other persons within the same as shall from time to time be named or designated for that purpose by Us, by any Instruction or Instructions, or Warrant or Warrants, to be by Us for that purpose issued under Our Signet and Sign Manual, and with the advice of Our privy Council, all of which Councillors shall hold their places in the said Council at Our Pleasure.

AND we do hereby grant and Ordain, that you with the advice of the said Council shall have full power and authority to make and enact all such Laws and Ordinances as may from time to time be required for the Peace, Order and good Government of the said Colony; and that in the making all such Laws and Ordinances, you shall exercise all such powers and authorities, and that the said Council shall conform to and observe all such rules and regulations, as shall be given and prescribed in and by such Instructions as We, with the advice of Our Privy Council, shall from time to time make for your and their guidance therein: PROVIDED NEVERTHELESS, and We do hereby reserve to Ourselves, Our heirs, and successors, our and their Right and Authority, to disallow any such Ordinances in the whole or in part, and to make and etsablish from time to time, with the advice and consent of Parliament, or with the advice of Our or their Privy Council, all such Laws, as may to us or them appear necessary for the Order, peace, and good Government of our said Island and its Dependencies, as fully as if these presents had not been made.

And We do hereby give and grant unto you full power and authority, with the advice and consent of Our said Council, from time to time as need shall require, to summon and call General Assemblies of the Inhabitants owing twenty or more acres of freehold Land within the said Island and its Dependencies under your Government in such manner and form, and according to such powers, instructions and authorities as are granted or appointed by Our General Instructions accompanying this Our Commission, or according to such further powers, instructions and authorities as shall be at any time hereafter granted or appointed under Our Sign Manual and Signet, or by Our Order in our Privy Council, or by Us through One of Our Principal Secretaries of State: And Our will and Pleasure is that the persons thereupon duly elected by the major part of the said Freeholders, and so returned, shall, before their sitting, take the Oath of Allegiance, which oath you shall Commission fit persons, under the Public Seal of Our said Island and its Dependencies, to tender and administer unto them, and until the same be so taken, no person shall

be capable of sitting, though elected: and we do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of our said Island of Vancouver, and you the said Richard Blanshard, by and with the advice and consent of Our said Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute, and ordain laws, Statutes, and Ordinances, for the public Peace welfare and good Government of our said Island and its Dependencies, and the people and Inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, Our heirs and successors, which said Laws, Statutes and Ordinances are not to be repugnant, but as near as may be agreeable to the Laws and Statutes of this Our United Kingdom of Great Britain and Ireland.

PROVIDED that all such Laws, Statutes, and Ordinances, of what nature or duration soever, be transmitted to Us in the manner specified in your said Instructions, under the Public Seal of Our said Island and its Dependencies for Our approbation or disallowance of the same, as also Duplicates thereof, by the next Conveyance. And in case any or all of the Laws, Statutes and Ordinances, not before confirmed by Us shall at any time be disallowed and not approved, and so signified by Us our heirs, or successors, under Our Sign Manual and Signet, or by order of Our or their Privy Council unto you the said Richard Blanshard, or the Governor and Commander in Chief of Our said Island for the time being, then such and so many of the said Laws, Statutes, and Ordinances as shall be so disallowed and not approved, shall from thenceforth cease, determine and become utterly void and of none effect; anything to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by our said Council and Assembly to the prejudice of Us, Our heirs or successors, We Will and Ordain that you, the said Richard Blanshard, shall have and enjoy a negative voice in the making and passing such Laws, Statutes, and Ordinances as aforesaid, and that you, or, in your absence, the Officer administering the Government, shall and may, from time to time, as you or he shall judge it necessary, adjourn, prorogue, or dissolve all General Assemblies as aforesaid.

AND We do hereby authorise and empower you to keep and use the Public Seal for sealing all things whatsoever that shall pass the Seal of Our said Island and its Dependencies. And We do further give and grant unto you, the said Richard Blanshard, full power and authority, from time to time, and at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give the Oath of Allegiance to all and every such person or persons as you shall think fit, who shall hold any Office or place of trust or profit, or who shall at anytime or times pass into Our said Island and its Dependencies, or shall be resident or abiding therein.

AND We Do by these Presents Give and Grant unto you, the said Richard Blanshard, full power and authority, with the advice and consent of Our said Council, (but subject always to the provisions of such Acts of Parliament as have been or shall be made in this behalf,) to constitute and appoint Judges, and in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and other necessary Officers and Ministers in Our said Island and its Dependencies, for the due and impartial administration of Justice and putting the Laws into execution, and to administer, or cause to be administered unto them

such Oath or Oaths as are usually given for the due execution and performance of Officers and places and for the clearing of truth in Judicial Causes. And We do hereby give and grant unto you full power and authority, where you shall see cause or judge any Offender or Offenders in Criminal matters, or for any fines or forfeitures due unto Us, fit objects for our Mercy, to pardon all such Offenders, and to remit all such Offences, fines, and forfeitures.

And We do hereby give and grant unto you, the said Richard Blanshard, by yourself, or by your Captains and Commanders by you to be authorized, full power and authority to levy, arm, muster, command and employ all persons whatsoever residing within Our said Island and its Dependencies, and as occasion shall serve, them to march from one place to another, or to embark them for the resisting and withstanding of all enemies, Pirates and rebels, both at Sea and Land, and to do and execute all and every other thing and things which to Our Governor and Commander in Chief doth and ought of right to belong.

AND We do hereby give and Grant unto you full power and authority, by and with the advice and consent of Our said Council, to erect, constitute and establish, in our said Island and its Dependencies, such and so many Counties, Townships, parishes, Cities, Boroughs, and Towns, as you, by the advice aforesaid, shall judge necessary.

AND Our further Will and pleasure is, that all public monies raised, or which shall be raised by any Act hereafter to be made within Our said Island and its Dependencies, be issued out by Warrant from you, by and with the advice and consent of the aforesaid Council (and not otherwise), and disposed of by you for the support of the Government, or for such other purpose as shall be particularly directed or appointed in and by such Act, and not otherwise.

AND We Do hereby give and grant unto you full power and authority upon sufficient cause to you appearing, to suspend from the exercise of his Office within Our said Island, any person exercising any Office or place under or by virtue of any Commission or Warrant granted, or which may be granted by Us or in Our name, or under our authority, which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to you. AND We do hereby strictly require and enjoin you in proceeding to any such suspension to observe the directions in that behalf given to you by Our Instructions under Our Signet and Sign Manual accompanying this our Commission appointing you Governor of the said Island.

AND We do hereby require and Command all Officers and Ministers, Civil and Military, and all others the Inhabitants of Our said Island and its Dependencies, to be obedient, aiding and assisting unto you, the said Richard Blanshard, in the execution of this Our Commission, and of the powers and authorities herein contained, and in case of your death, or absence out of Our said Island and its Dependencies and Government, to be obedient, aiding and assisting as aforesaid unto such person as shall be appointed by Us to be our Lieutenant Governor, or to the Governor and Commander in Chief for the time being of Our said Island and its Dependencies, to whom We do therefore, by these Presents, give and grant all and singular the powers and authorities herein granted, to be by him executed and enjoyed during Our pleasure; and if upon your death or absence out of Our said Island and its Dependencies, there be no person on the place commissioned

or appointed by Us to be Our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Island and its Dependencies, Our Will and pleasure is, that until it shall be otherwise directed, the Senior Member for the time being of the Council of Our said Island, and who shall be at the time of your death or absence residing within Our said Island and its Dependencies, shall take upon him the administration of the Government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained in the same manner, to all intents and purposes, as other our Governor and Commander in Chief should or ought to do, in the case of your absence, or until your return, or in all cases until Our further pleasure be known thereon; and We do hereby declare, ordain and appoint, that you the said Richard Blanshard, shall and may hold execute and enjoy, the Office and place of Our Governor and Commander in Chief in and over the Island and Territories aforesaid, Together with all and singular the powers and authorities hereby granted unto you, for and during Our Will and pleasure.

IN WITNESS &C. WITNESS &C. AND for so doing this shall be your Warrant. Given at Our Court, at Osborne House, Isle of Wight, this 9th day of July, 1849, in the 13th year of Our Reign.

By Her Majesty's Command. GREY.

LS.

INSTRUCTIONS to Our trusty and well-beloved RICHARD BLANSHARD, Esq., Our Governor and Commander-in-Chief in and over Our Island of Vancouver and its Dependencies, or, in his absence, to Our Lieutenant-Governor or Officer administering the Government of Our said Island and its Dependencies for the time being.

Given at Our Court at Osborne House, Isle of Wight, this sixteenth day of July, 1849, in the thirteenth year of Our Reign.

- 1. With these Our Instructions you will receive Our Commission under Our Great Seal of the United Kingdom of Great Britain and Ireland constituting you to be Our Governor and Commander-in-Chief in and over Our Island of Vancouver and its Dependencies. You are, therefore, with all convenient speed to assume and enter upon the execution of the trust We have reposed in you.
- 2. And you are, with all due and usual solemnity, to cause Our said Commission constituting you Our Governor and Commander-in-Chief as aforesaid, to be read and published, after which you are to take the oaths appointed to be taken by an Act passed in the first year of the reign of King George the First, intituled "An Act for the further security of His Majesty's Person and Government and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors," as altered and explained by an Act passed in the 6th year of the reign of King George the Third, intituled "An Act for altering the Oath of Abjuration and the Assurance," and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled "An Act for the Improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason

or Misprison of Treason," or in lieu thereof the Oaths required to be taken by an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the relief of His Majesty's Roman Catholic subjects," according as the said former Acts or the said last-mentioned shall be applicable to your case; and likewise that you take the usual oath for the due execution of the office and trust of Our Governor and Commander-in-Chief in and over our said islands and territories, and for the due and impartial administration of Justice; and further that you take the oaths required to be taken by Governors of Plantations, to do their utmost that the several laws relating to trade and the plantations be duly observed, which oaths Our Council of Our said Island and its Dependencies, or any three of the Members thereof, have hereby full power and authority and are required to tender and administer unto you, and, in your absence, to Our Lieutenant-Governor, if there be one on the place, all which being duly performed, you will administer to each of the Members of Our said Council the Oath of Allegiance.

- 3. You are by yourself, or by any other person to be authorized by you in that behalf, to administer and to give to all and every such persons as you shall think fit who shall hold any office or place of trust or profit, or who shall at any time or times pass into our said Island or be resident therein, the said Oath of Allegiance, save only in cases wherein any other oath or oaths is or are prescribed by the Statutes in that behalf made, or by any of them, in which cases it is Our pleasure, and We do hereby direct that you do administer to such persons such other oath or oaths as aforesaid.
- 4. And whereas, by Our said Commission, We have authorized you and such other persons as are in the said Commission designated, to constitute and be a Council for the said Colony:

And We have by the said Commission further declared that in addition to your-self the said Council shall be composed of such persons within the same as shall from time to time be named or designated for that purpose by Us, by Our instruction or instructions, warrant or warrants, to be by Us for that purpose issued under Our sign manual and signet and with the advice of Our Privy Council, and that all such Councillors should hold their places in the said Council at Our pleasure, and that you, with the advice of the said Council, shall have full power and authority to make and enact all such Laws and Ordinances as may from time to time be required for the order and good government of the said Island; and that in making all such Laws and Ordinances you shall exercise all such powers and authorities, and that you and the said Council shall conform to and observe all such rules and regulations as shall be given and prescribed in and by such instructions as We, with the advice of Our Privy Council, shall from time to time make for his and their guidance therein.

Now, therefore, by these Our Instructions under Our sign manual and signet, being the instructions so referred to as last aforesaid, We do authorize and empower you—until further and other provisions shall be made by Us in that behalf—by an instrument or instruments to be made and issued in Our name and under the public seal of Our said Island, to constitute and appoint seven persons being within the same to be Members of the said Council during Our pleasure, and any three of whom We do hereby appoint to be a quorum; and so from time to time as often

as any such person shall die or resign his seat in the said Council, or be absent from the island, or be suspended by you from such his office, or become from any cause incapable of discharging the duties thereof, by any other such instrument as aforesaid, to nominate any other person being within the said Colony to fill any such vacancy:

Provided, nevertheless, that the appointment so to be made by you of the persons who are to constitute the said Council shall be provisional only and subject to Our confirmation or disallowance.

- 5. You are to communicate forthwith such of these Instructions to Our said Council wherein their advice and consent are mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.
- 6. You are to permit the members of Our said Council to have and enjoy freedom of debate and vote in all affairs of public concern that may be submitted to their consideration in Council.
- 7. And in the choice and nomination of the Members of Our said Council, as also of the Judges, Justices, and other officers, you are always to take care that they be men of good life and well affected to Our Government, and abilities suited to their employments.
- 8. And whereas effectual care ought to be taken to oblige the Members of Our said Council to a due attendance therein, and thereby to prevent the inconveniences that may happen from the want of a quorum to transact business as occasion may require, it is Our will and pleasure that if any of the Members of Our said Council shall hereafter absent themselves from the said island, and continue absent above the space of six months together without leave from you or our Governor and Commander-in-Chief for the time being first obtained under your or his hand and seal, or shall remain absent for the space of two years successively without leave given them under our sign manual and signet, their place or places in the said Council shall immediately thereupon become void, and that if any of the Members of Our said Council then residing within Our said Island shall hereafter absent themselves when duly summoned without sufficient cause, and shall persist in such absence after being thereof admonished by you, you are to suspend the said Councillors so absenting themselves until Our further will and pleasure therein be known, giving immediate notice thereof to Us through one of Our Principal Secretaries of State. And We do hereby will and require that Our Royal pleasure be signified to the Members of our said Council and entered in the Council Book as a Standing Rule.
- 9. And whereas by our aforesaid Commission you are authorized and empowered to summon and call General Assemblies of the freeholders within Our said Island and its dependencies as therein specified, in such manner and form and according to such powers, instructions and authorities as are granted or appointed by these our Instructions in that behalf, you are therefore, for the purpose of electing the members of such Assemblies, hereby authorized to issue a Proclamation declaring the number of representatives to be chosen by such freeholders to serve in the said General Assembly: and if you shall see fit, dividing our said Island and its dependencies into districts or counties, towns or townships, and

declaring the number to be chosen by each of such districts or counties, towns or townships respectively.

And you are also hereby authorized and empowered from time to time to nominate and appoint proper persons to execute the office of Returning Officer in the said Island, or in such districts or counties, towns or townships respectively; and you are, as soon as you shall see expedient, to issue Writs in Our name directed to the proper officers in the said Island, or the proper officers in such districts or counties, towns or townships respectively, directing them to summon the aforesaid freeholders to proceed to the election of persons to represent them in the General Assembly, according to the regulations and directions to be signified in the proclamation to be so issued by you as aforesaid.

- 10. You are to observe the passing of all laws that the style of enacting the same be by the Governor, Council, and Assembly of Our said Island and its dependencies.
- 11. And you shall not re-enact any laws to which the assent of Us or Our Royal predecessors has once been refused without express leave for that purpose first obtained from us upon a full representation by you to be made to Us through one of Our Principal Secretaries of State of the reason and necessity of re-enacting such law.
- 12. And it is Our express will and pleasure that no law be made to continue for less than two years, except only in cases where it may be necessary upon some unforeseen emergency to make provision by law for a service in its nature temporary and contingent.
- 13. You are also as much as possible to observe in the passing of all laws that each different matter be provided for by a different law, without intermixing in one and the same Acts such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in or annexed to any Act which shall be foreign to what the title of such respective Act imports, and that no perpetual clause be part of any temporary law.
- 14. It is Our will and pleasure that you do not give your assent to any bill or bills for raising money by the institution of any public or private lotteries.
- 15. It is Our will and pleasure that you do not on any pretence whatever give your assent to or pass any bill or bills in Our Island under your Government by which the lands, tenements, goods, chattels, rights, and credits of persons who have never resided within Our said Island shall be liable to be seized or taken in execution for the recovery of debts due from such persons otherwise than is allowed by law in cases of a like nature within our realm of England until you shall have first transmitted unto Us through one of Our Principal Secretaries of State the draft of such bill or bills, and shall have received Our Royal pleasure thereupon, unless you take care in the passing of such bill or bills that a clause or clauses be inserted therein suspending and deferring the execution thereof until Our will and pleasure shall be known thereupon.
- 16. It is Our further will and pleasure that you do not upon any pretence whatsoever give your assent to any bill or bills that may have been or shall hereafter be passed by the Council and Assembly of the Island under your Government for the Naturalization of Aliens, nor for the Divorce of persons joined together in

holy matrimony, nor for establishing a title in any person to lands, tenements, and real estates in Our said Island originally granted to or purchased by aliens to naturalization.

- 17. Whereas great mischiefs have arisen by the frequent passing of bills of an unusual and extraordinary nature and importance in our plantations, which bills remain in force there from the time of enacting until Our pleasure be signified to the contrary: We do hereby will and require you not to pass or give your assent to any bill or bills passed in the Assembly of an unusual extraordinary nature and importance whereby Our prerogative or the property of Our subjects may be prejudiced; nor to any bill or bills whereby the trade or shipping of this Kingdom shall be in anywise affected, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a draft of such bill or bills, and shall have received Our Royal pleasure thereon, unless you take care in the passing any such bills as aforementioned that there be a clause inserted therein suspending and deferring the execution thereof until Our pleasure shall be known concerning the same.
- 18. You are also to take care that no private Act be passed whereby the property of any private person may be affected in which there is not a saving of the right of Us, Our heirs and successors, of all bodies politic and corporate, and of all other, except such as are mentioned in the said Act, and those claiming by, from and under them; and further, you shall take care that no such private Act be passed without a clause suspending the execution thereof until the same shall have received Our Royal approbation.

It is likewise Our will and pleasure that you do not give your assent to any private Act until proof be made before you in Council, and entered in the Council Book, that public notification was made of the parties' intention to apply for such an Act in the several parish churches where the premises in question lie for three Sundays at least successively before any such Act shall be brought into the Assembly, and that a certificate under your hand be transmitted with and annexed to every such private Act signifying that the same has passed through all the forms above mentioned.

- 19. You are to take care that in all Acts or Orders to be passed within Our said Island in any case for levying money or imposing fines and penalties express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said Island and the support of the Government thereof, as by the said Act or Order shall be directed.
- 20. You are not to suffer any public money whatsoever, whether it be appropriated to any particular service or not by the Act granting the same, to be issued or disposed of otherwise than by warrant under your hand, by and with the consent of the said Council.

But the Assembly may nevertheless be permitted from time to time to view and examine the accounts of money or value of money disposed of by virtue of laws made by them as there shall be occasion.

21. It is Our will and pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the 4th year of the reign

of His late Majesty King George the Third, intituled "An Act to prevent Paper Bills of Credit hereafter to be issued in any of Her Majesty's Colonies or Plantations in America from being declared to be a legal tender in payment of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for recalling in and sinking the same." (4 Geo. III., c. 34.)

And also of an Act passed in the 13th year of the reign of His late Majesty to explain and amend the above recited Act passed in the 4th year of his reign as aforesaid; and you are not to give your assent to or pass any Acts whereby Bills of Credit may be struck or issued in lieu of money or for payment of money, either to you our Governor or to any person whatsoever, unless a clause be inserted in such Act declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our heirs, or successors.

- 22. You are to transmit an authenticated and separate copy of every Law, Statute, or Ordinance that at any time hereafter shall be made or enacted within the Island under your Government under the public seal unto Us, through one of Our Principal Secretaries of State, within three months or sooner after their being enacted; but if it shall happen that no shipping shall come from Our said Island within three months after the making such Laws, Statutes and Ordinances, the same are to be transmitted by the next conveyance after the making thereof, whenever it may happen, for Our approbation or disallowance of the same.
- 23. And it is our further will and pleasure that the copies and duplicates of all Acts that shall be transmitted as aforesaid be fairly abstracted in the margins, and there be inserted the several dates or respective times when the same passed the Council and Assembly and received your assent; and you are to be as particular as may be in your observations to be sent to Us through Our Principal Secretaries of State upon every Act—that is to say, whether the same is introductive of a new law declaratory of a former law, or does repeal a law then before in being; and you are likewise to send to Us, through one of Our Principal Secretaries of State, the reasons for the passing of such laws, unless the same do fully appear in the preambles of the said Acts.
- 24. You are to require the Secretary of the said Island under your Government to furnish you with transcripts of all such Acts and Public Orders as shall be made from time to time, together with copies of the Journals of the Council, and that all such copies be fairly abstracted in the margin, to the end the same may be transmitted to Us through one of Our Principal Secretaries of State.
- 25. You are also to require from the Clerk of the Assembly of the said Island or other proper Officer transcripts of all the Journals and other proceedings of the said Assembly, and that all such transcripts be fairly abstracted in the margin, to the end the same may in like manner be transmitted as aforesaid.
- 26. You shall not appoint any person to be a Judge or Justice of the Peace without the advice and consent of the majority of the Council of Our said Island signified in Council; and it is Our further will and pleasure that all Commissions to be granted by you to any person or persons to be Judges, Justices of the Peace, or other necessary officers, be granted during Our pleasure only.

- 27. You shall not suspend any of the Judges, Justices or other officers or ministers without good and sufficient cause, which you shall signify in the fullest and most distinct manner to Us through one of Our Principal Secretaries of State.
- 28. It being of the greatest importance to the service and to the welfare of Our subjects that Justice be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof, be effectually prevented, We do particularly require you to take especial care that in all Courts where you are authorized to preside Justice be impartially administered; and that in all other Courts established within Our Island all Judges and other persons therein convened likewise perform their several duties without any delay or partiality.
- 29. And whereas We have by Our said Commission, authorized you, upon sufficient cause to you appearing, to suspend from the exercise of his office within Our said Island any person exercising the same under and by virtue of any Commission or Warrant granted or to be granted by Us, or in Our name, or under Our authority: Now We do charge and require you, that before proceeding to any such suspension you do signify by a statement in writing to the person so to be suspended the grounds of such your intended proceeding against him; and that you do call upon such person to communicate to you in writing a statement of the grounds upon which he may be desirous to exculpate himself, and that you transmit both of the said statements to Us, through one of Our Principal Secretaries of State by the earliest conveyance.
- 30. You are to take care that all writs are to be issued in Our name throughout Our said Island under your Government.
- 31. You are, with the advice and consent of Our Council, to take especial care to regulate all salaries and fees belonging to places or paid upon emergencies; that they be within the bounds of moderation, and that no extortion be made on any occasion whatsoever; as also that tables of all fees be publicly hung up in all places where such fees are to be paid; and you are to transmit copies of all such tables of fees to Us through one of Our Principal Secretaries of State.
- 32. You shall not, by colour of any power or authority, hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant or dispose of any office or place within our said Island which now is or shall be granted under the Great Seal of this Kingdom, or to which any person is or shall be appointed by warrant under Our sign manual and signet, any further than you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you, put in any fit person to officiate in the interim till you shall have represented the matter to Us through one of Our Principal Secretaries of State, which you are to do by the first opportunity, and have received Our further directions therein.
- 33. You are to transmit unto Us, through one of Our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees, and Privileges, granted and settled, or which shall be granted and settled within Our said Island, as likewise an account of all the expenses attending the establishments of the said Courts, and of such funds as are settled and appropriated to discharge the same.

- 34. And whereas there have been great irregularities in the manner of granting Commissions to private ships of war, you are to govern yourself, whenever there shall be occasion, according to the Commission and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprisal against any Prince or State, or their subjects, in amity with Us, to any person whatsoever without our especial command.
- 35. We do enjoin and require that you do take especial care that Almighty God be devoutly worshipped and truly served throughout your Government. You shall be careful that all orthodox churches already built there be well and orderly kept, and that more be built as Our Island shall by God's blessing be improved. And you are to take care that the parishes be so limited and settled as you shall find most convenient for the accomplishing of this good work.
- 36. And whereas doubts have arisen whether the powers of granting Licences for Marriage and Probates of Wills, commonly called the Office of Ordinary, which We have reserved to you Our Governor, can be exercised by deputation from you to any other person within Our said Island under your Government, it is Our express will and pleasure; and you are hereby directed and required not to grant deputations for the exercise of the said powers, commonly called the Office of Ordinary, to any person or persons whatsoever in Our said Island under your Government.
- 37. It is Our further will and pleasure that you recommend to the Legislature to enter upon proper methods for the erecting and maintaining Schools, in order to the training up of youth to reading and to a necessary knowledge of the principles of religion.
- 38. You shall, from time to time, give unto Us, through one of Our Principal Secretaries of State, an account of the wants and defects of the Island under your Government; what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made or advantage gained by trade, and in what way We may contribute thereto.
- 39. If anything shall happen which may be of advantage or security to Our Island under your Government which is not herein by Our Commission provided for, We do hereby allow you, with the advice and consent of Our Council, to take orders for the present herein giving unto Us, through one of Our Principal Secretaries of State, speedy notice thereof, that so you may receive Our ratification if we shall approve the same: Provided always, that you do not, under colour of any power or authority hereby given to you, commence or declare war without Our knowledge and particular commands therein first obtained for so doing from Us under Our sign manual and signet, or by Our Order in Our Privy Council.
- 40. And whereas We have thought fit by Our Commission to direct that in case of your death or absence, and there be at that time no person within our said Island commissioned or appointed by Us to be Lieutenant-Governor, or specially appointed by Us to administer the Government within Our said Island, the senior member for the time being of the Council of Our said Island, and who shall be at the time of your death or absence residing within Our said Island and its dependencies, shall take upon him the administration of the Government, and execute Our said Commission and Instructions, and the several powers and authorities

therein contained in the manner therein directed. It is, nevertheless, Our express will and pleasure that in such case the Councillor so administering the Government shall forbear to pass any Acts but what are immediately necessary for the peace and welfare of the said Island without Our particular order for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, or to remove or suspend any of the members of Our Council, nor any Judge, Justices of the Peace, or other officer, civil or military, without the advice and consent of the majority of the Council, nor even then without good and sufficient reason for the same, which the said President is to transmit, signed by himself and the respective Council, to Us, through one of Our Principal Secretaries of State.

41. And you are upon all occasions to send to Us, through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.

#### APPENDIX C

#### MINUTES OF MEETING OF HEADS OF DEPARTMENTS

# Monday, the 12th day of August, 1861<sup>1</sup>

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.

Subject of Discussion—Best means of devoting money to the improvement of Roads.

Decided.

	& continge	encies
Total £1300	\$6000	1210
	250	50
Elk Lake to	2800	560
Between Shephers Hut via		
East Saanich Road		
Thompsons and Coles	1200	250
Between Victoria and Thompsons	\$1750	£350
West Saanich Road		

Attorney General to prepare a Bill to authorize Executive to apply any surplus Funds over the sum of £2000 to any unfinished works contemplated by "Victoria Street Fund Act" such surplus being part of the tax payable under said Act. Colonial Secretary to instruct Surveyor General as to expenditures as above arranged. (Letter written 13th Augt. W.Y.) Surveyor General to report what line he recommends as the line of communication between Govt. & Johnson Street & the New Bridges. Communicate with Cmr. of Police to employ Chain Gang in working the road from Store Street to the New Bridge at Rock Bay. Treasurer and Surveyor General to ascertain by Assessment Rolls who may be the present owners of certain Lots of land upon which instalments due have not been paid.

Report of Commissioners replied to 13 Augt.

<sup>&</sup>lt;sup>1</sup> Vancouver Island, Executive Council, GR303, PABC, from an original minute book found among the W. A. G. Young Papers, Victoria City Archives. These minutes represent the first meetings of an informal executive council, which Governor Douglas was empowered to constitute formally by his Supplementary Commission and Instructions dated 8 October 1862 (see Appendix D).

## Monday, the 19th day of August, 1861

Present: His Excellency the Governor, The Colonial Secretary, The Surveyor General, The Treasurer, (Subsequently) Attorney General.

Upon requisition from Governor—Mr. Pemberton detailed what had transpired during the week with respect to roads in the Saanich District.

Attorney General came in. Reported having prepared necessary Act for application of surplus under Street Fund.

Colonial Surveyor to write to Road Cmr. as to point of commencement of East Saanich Road.

Mr. Pemberton to employ himself during the week in starting the works on the West Saanich road.

Dr. Tolmie called in. Discussion upon employment of statute labor upon old line of road. Dr. Tolmie withdrew having promised a full report on Saturday from Commissioners.

Question of acceptation of New Bridges discussed. Proposition made by Mr. Rhodes to pay \$150 as a set off for what is still required discussed. Attorney General to undertake the negotiation of the matter and to report.

## Tuesday, the 10th day of September, 1861

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.

Discussion upon the subject of Roads, and the appropriations of the Legislature. £500 to be devoted to opening Cowitchan Road.

£2000 Saanich Road.

Instructions to Commissioners respecting Dredge.

# Thursday, the 6th day of February, 1862

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Attorney General, The Surveyor General.

One per Cent tax Act discussed. Mr. Cochrane to be re-appointed & Mr Trounce.

2 per Cent remuneration. Payment made by H.B. Co. in acct. of Trades
Licence Act. Answer to be returned Govt. not justified.

Post Office Lots &c. Attorney General to arrange.

Bridge case brought up. Surveyor General to complete road.

General discussion as to Roads. Surveyor General to report upon Esquimalt & Metchosin Road.

## Monday, the 3rd day of March, 1862

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Attorney General, The Surveyor General.

Estimates for 1862 introduced, thoroughly discussed and decided upon—also discussion as to improvement of Victoria Harbor.

Mr. Pemberton to<sup>2</sup>

## Monday, the 17th day of March, 1862

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Attorney General, The Surveyor General.

Construction of Saanich Road discussed. Discussion general upon roads and improvements to Roads. Tenders for Steam Dredge opened & considered. Decision thereupon postponed.

Adjourned.

# Tuesday, the 20th day of May, 1862

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Attorney General.

Present constitution of Police Force discussed. Finally decided to re-arrange the Force on the following basis.

1 Superintendent of Police	including rations	£200 per annum
2 Sergeants	— do —	£180 ,,
10 Constables	— do —	£145 ,,
1 Gaoler	— do —	£180 ,,
1 Under Gaoler	— do —	£150 ,,
1 Cook	— do —	£100 "

Colonial Secty. to call upon Actg. Supt. of Gaol to report characters and antecedents of present incumbents of offices in the police Dept.

Colonial Secty. to call upon Actg. Supt. of Gaol to report concerning escape of prisoner Gordon.

<sup>&</sup>lt;sup>2</sup> Minutes for this day left incomplete.

## Tuesday, the 27th day of May, 1862

- Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Treasurer.
- Governor explained necessity of establishing a Fire Limit and the expediency of legislating against the erection of two storied wooden Buildings.

Estimate for Magazine to be submitted to House £700. Attorney General to bring a Bill establishing Fire Limit &c. and to repeal Powder Magazine Act so as to permit government to erect a powder Magazine. Before doing so however Attorney General to see some of the Trading Merchants.

Governor inquired as to action of Attorney General in respect of the claims of H.B. Co.

## Tuesday, the 29th day of July, 1862

- Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Attorney General, The Surveyor General.
- Cowitchen Land Claims discussed. Amount of Land upon which 1 of the instalments have been paid 8000 Acres. Settled that each purchaser in consideration of certain promises respecting Indian Title which they allege were made at time of purchase may be allowed to select a portion of land at £ 1 per Acre equivalent to the amount they have paid in Cash.

Attorney General to ascertain whether it be practicable to obtain a body of Settlers to proceed to Cowichen. In such case Surveyor-General to arrange position of land which Settlers can take up under pre-emption Act. An application will be made to Admiral in command to send a Gun Boat to Cowichen to protect Settlers.

# Wednesday, the 19th day of November, 1862

- Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Attorney General, The Surveyor General.
- Tenders for Comox Road considered. Watsons offer the lowest but in consequence of previous failures not considered. Inquiries to be made by Surveyor General & Attorney General respecting the offer of Robert Watson and also Munro's offer.
- Question of period at which House of Assembly shall be dissolved discussed. Decided to prorogue the House on second week in December.

## Wednesday, the 17th day of December, 1862

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Attorney General, The Surveyor General.

Discussion of Estimates for 1863 taken up.

## Thursday, the 5th day of March, 1863

- Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.
- Question of encroachments in public Lands by purchasers from H.B. Co. discussed. Attorney General to give written opinion.
- Steam Dredge question discussed. Decided to obtain machinery from England through the Agents' General. To be inspected by some competent person in England. Mr. Ward Asst. Inspector of Machinery at Portsmouth Dock Yard settled upon.

Mr. Ward to select and engage a competent Engineer.

Call for Tenders for conveyance of Mails between Victoria & Comox calling at Cowichen, Saltspring Island, and Nanaimo once a fortnight by a Steam Vessel.

# Tuesday, the 10th day of March, 1863

- Present: His Excellency the Governor, Mr. Young, Mr. Cary, Mr. Watson, Mr. Pemberton.
- Mr. Pemberton stated that he had a suggestion to make respecting the procural of the Dredging Machine, and he proposed that he should be sent home to order the Machinery and to superintend its construction, that he would pay his own expenses, and would not be absent more than 6 months. He further stated that he believed the arrangements made for work on roads during the Season would admit of this absence from the Colony without inconvenience to the public Service.

Settled Mr. Pemberton to go. Settled that arrangements are to be made for employment of Mr. Sparrow.

- Completion of Govt. Building discussed. Settled sum voted by House to be offered to Signers of a Memorial addressed to the Governor asking for consideration in respect of their claims upon the original defaulting Contractor.
- Mr. Cary made some observations respecting arrangements to be made for the creation of the office of Administrator General.

#### APPENDIX D

## SUPPLEMENTARY COMMISSION AND INSTRUCTIONS, JAMES DOUGLAS, 8 OCTOBER 1862

Supplementary Commission to be passed under the Great Seal for establishing an Executive and a Legislative Council at Vancouver Island and its dependencies.<sup>1</sup>

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To Our Trusty and well beloved James Douglas Esquire Companion of Our Most Honorable Order of the Bath Greeting.

Whereas by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the 16th day of May 1851, in the Fourteenth year of Our Reign constituting and appointing you the said James Douglas to be Our Governor and Commander in Chief in and over Our Island of Vancouver and the Islands adjacent thereto We have granted unto you and Our Council therein mentioned certain Legislative and Executive powers to be by you and the said Council exercised and performed in the manner therein provided, and by reference to the said recited Commission relation being thereunto had, will more fully and at large appear.

And Whereas we have deemed it expedient that there should henceforward be two distinct Councils in Our said Island for the purpose hereinafter mentioned. We do therefore by these presents grant, provide and declare that there shall henceforward be within Our said Island of Vancouver instead of the said first mentioned Council two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of Our said Island.

And we do hereby further declare Our pleasure to be that all and every the powers and authorities noted in or exercised by the Council of Our Said Island so far as respects the enactment of any laws to be made within Our said Island of Vancouver and its Dependencies shall henceforth be, and the same are hereby vested in and shall be exercised by the said Legislative Council, and that all other powers and authorities whatsoever vested in or exercised by the Council of Our said Island shall be and the same are hereby vested in and shall be exercised by the said Executive Council.

And we do hereby appoint and declare that the said Executive Council and the said Legislative Council respectively shall hereafter consist of such and so many members as shall from time to time for that purpose be nominated and appointed by Us under Our sign Manual and Signet, or as shall be provisionally appointed by you until Our pleasure therein shall be known in conformity with any instructions which you may from time to time receive from Us under Our said Sign Manual and Signet.

<sup>&</sup>lt;sup>1</sup> Great Britain, Colonial Office, CO 381/77, 193-212.

Provided nevertheless and We do hereby declare Our Will and pleasure to be that the total number of the Members of the said Legislative Council resident within Our said Island shall not at any time by any such provisional appointments be raised to a greater number in the whole than eight.

And we do further declare that the members of the said respective Councils shall hold their places therein during Our pleasure and not otherwise.

Given at Our Court at [blank] the [8th] day of [October] in the Twenty sixth year of Our Reign.

Additional Instructions to accompany the Commission for establishing an Executive and a Legislative Council at Vancouver Island and its Dependencies.

Additional Instructions to Our Trusty and well beloved James Douglas Esquire—Companion of Our Most Honorable Order of the Bath. Our Governor and Commander in Chief in and over Our Island of Vancouver and its Dependencies or in his absence to Our Lieutenant Governor or the Officer Administering the Government of Our said Island for the time being. Dated this 8th day of October in the 26th year of Our Reign.

Whereas by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date this [8th] day of [October] in the Twenty sixth year of Our Reign addressed to you Our Trusty and well Beloved James Douglas Esquire Companion of Our most Honourable Order of the Bath, Our Governor and Commander in chief in and over Our Island of Vancouver and its Dependencies, we have declared Our pleasure to be that there shall henceforth be established within Our said Island an Executive Council to consist of such and so many Members as shall from time to time be nominated and appointed by Us under Our Royal Sign Manual and Signet or as shall be provisionally appointed by you until Our further pleasure therein shall be known in conformity with any instructions which you may from time to time receive from Us under Our Said Sign Manual and Signet.

Now we do by these Our Instructions nominate and appoint the undermentioned Officers to be during Our pleasure Members of the said Executive Council, that is to say The Colonial Secretary for Our said Island, The Attorney General for Our said Island, The Treasurer for Our said Island, and the Surveyor General for Our said Island or the persons for the time being lawfully discharging the functions of such Colonial-Secretary, Attorney-General, Treasurer and Surveyor General, and you are hereby authorized and required to summon the said Officers to Our Executive Council accordingly. And we do further direct and appoint that the Members of Our said Council shall take rank and precedence therein according to the Order in which their Offices are herein before enumerated.

And we do declare Our pleasure to be that you do forthwith communicate to Our said Executive Council these Our additional Instructions and likewise all such others from time to time, in the execution of which their consent and concurrence are requisite, and which you shall find convenient for Our Service to be imparted to them.

And it is Our pleasure that you do attend and preside at the meetings of Our said Executive Council.

And it is Our pleasure that Our said Executive Council shall not proceed to the despatch of Business unless duly summoned by your Authority, nor unless two members at least, exclusive of yourself, be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

And it is Our pleasure that a full and exact Journal or Minute be kept by the Colonial Secretary of all the Deliberations, Acts, Proceedings, Votes and Resolutions of Our said Executive Council, and that at each meeting of the said Council the Minutes of the last preceding Meeting shall be read over, confirmed, or amended, as the case may require, before proceeding to the Despatch of any other business.

And it is Our pleasure that in the execution of the several powers and authorities committed to you by the said Commission you do in all cases consult with the Executive Council, excepting only when the matters to be decided shall be of such a nature that in your judgment Our Service would sustain material prejudice by consulting the said Council thereon, or shall be too unimportant to require their advice, or too urgent to admit of such advice being given by the time within which it may be necessary for you to Act in respect of any such matters. Provided that in all such urgent cases you do subsequently, and at the earliest practicable period, communicate to the said Executive Council the measures which you may have so adopted, with the reasons thereof.

And it is Our pleasure that no question shall be brought before the said Executive Council for their advice or decision, excepting only such questions as may be proposed by you for that purpose. Provided nevertheless, that if any member shall, by application in writing request you so to propose any question, it shall be competent to any such member to record upon the said Minutes such his written application, together with the answer which may be returned by you to the same.

And we do authorize you, in your discretion and if it shall in any case appear right so to do, to act in the exercise of the power committed to you by Our said Commission in opposition to the advice which may in any such case be given to you by the Members of the said Executive Council. Provided nevertheless that every such proceeding shall be fully reported to Us by the first convenient opportunity, together with the grounds and reasons thereof. And we do further direct that in every case it shall be competent to any Member of the said Council to record at length on the said Minutes the grounds of any advice or opinion he may give upon any question brought under the consideration of such Council, and also that twice in each year or full transcript of all the said Minutes for the preceding half year be transmitted to Us through one of Our Principal Secretaries of State.

And whereas by Our said Commission we have further declared Our pleasure to be that there shall thenceforth be established within Our said Island a Legislative Council to consist of such and so many Members as shall from time to time be nominated and appointed by Us under Our Royal Sign Manual and Signet, or as shall be provisionally appointed by you until Our further pleasure therein shall be known.

Now therefore by these Our Instructions under Our Sign Manual and Signet, we do nominate and appoint the undermentioned Officers to be during Our Pleasure Members of the said Legislative Council that is to say The Chief Justice, The Colonial Secretary for Our said Island, The Attorney General for Our said Island, The Treasurer of Our said Island and The Surveyor General for Our said Island, or the persons for the time being lawfully discharging the functions of Chief Justice, Colonial Secretary, Attorney General, Treasurer, and Surveyor General, together with such other persons being residents within the said Island as are now Members of the Council constituted by Our Commission addressed to you James Douglas and bearing date the 16th day of May 1851 or as may hereafter be appointed by Us by any instrument under Our Sign Manual and Signet, or as may be provisionally appointed by you until Our pleasure therein shall be known, and you are hereby authorized and required to summon to Our said Legislative Council all such Officers and persons as aforesaid. Provided that every such Officer or person who shall be elected to be a Member of the General Assembly of Our said Island shall upon taking his seat therein cease to be a member of Our said Legislative Council, but every person having an Official Seat in the said Council shall again become a Member of Our said Council on ceasing to be a Member of the General Assembly.

Provided also that the number of unofficial Members of the said Council shall not by any such provisional appointment as aforesaid be raised above the number of four.

Provided also and we do further direct and appoint that the Members of Our said Legislative Council hereinbefore designated shall take rank and precedence in the said Council according to the Order in which their Offices are hereinbefore enumerated, and that all other<sup>2</sup> the Members of Our said Council shall take rank and precedence therein according to the date of their respective appointments, or according to the order in which their names are mentioned in the Instrument of appointment.

And we do further direct that in Our said Legislative Council three Members shall be a quorum for the despatch of business, and that the Member present who shall be first in rank and precedence shall preside at every meeting of such Council and shall have a casting vote in case the votes of the Members of Council shall be equally divided, which casting vote the said presiding Member shall have in addition to his original vote as Member of Council.

<sup>&</sup>lt;sup>2</sup> The original text is not fully decipherable.

#### APPENDIX E

# ACT FOR THE UNION OF VANCOUVER ISLAND AND BRITISH COLUMBIA

#### CAP. LXVII.

An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia.

[6th August 1866.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The British Columbia Act, 1866.

"Governor."

**2.** In this Act the Term "Governor" means any Officer for the Time being lawfully administering the Government.

On Proclamation of this Act in British Columbia, Vancouver Island united therewith.

**3**. From and immediately after the Proclamation of this Act by the Governor of *British Columbia*, the Colony of *Vancouver Island* shall be and the same is hereby united with the Colony of *British Columbia*, and thenceforth those Two Colonies shall form and be One Colony, with the Name of *British Columbia* (which Union is in this Act referred to as the Union).

As to Government of the United Colony. 4. On the Union taking effect, the Form of Government existing in Vancouver Island as a separate Colony shall cease, and the Power and Authority of the Executive Government and of the Legislature existing in British Columbia shall extend to and over Vancouver Island; but in order that Provision may be made for the Representation of Vancouver Island in the Legislature of British Columbia after the Union, the maximum Number of Councillors in the Legislative Council of British Columbia after the Union shall, until it is otherwise provided by lawful Authority, be Twenty-three instead of Fifteen.

Laws of the separate Colonies to continue except as to Revenue of Customs.

**5**. After and notwithstanding the Union the Laws in force in the separate Colonies of *British Columbia* and *Vancouver Island* respectively at the Time of the Union taking effect shall, until it is otherwise provided by lawful Authority, remain in force as if this Act had not been passed or proclaimed; save only that the Laws relative to the Revenue of Customs in force in *British Columbia* at the Time of the Union taking effect shall, until it is otherwise provided by lawful Authority, extend and apply to *Vancouver Island*; and, until it is otherwise provided by lawful Authority, the Governor of *British Columbia* shall

have, in relation to the Territory for the Time being under his Government, all the Powers and Authorities for the Time being vested, in relation to the United Kingdom, in the Commissioners of Her Majesty's Treasury or in the Commissioners of Customs, with respect to the Appointment of Warehousing Ports, and the Approval and Appointment of Warehouses or Places of Security in such Ports, and everything consequent thereon or relative thereto.

Nothing to restrict Authority of Governor, &c.

**6.** Nothing in this Act shall take away or restrict the Authority of the Governor of *British Columbia*, with the Advice and Consent of the Legislative Council thereof, to make Laws for the Peace, Order, and good Government of *British Columbia* either before or after the Union; nor shall anything in this Act interfere with the Exercise of any Power that would have been exerciseable by Her Majesty in Council if this Act had not been passed.

Boundaries of British Columbia until Union 7. Until the Union British Columbia shall comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories in North America, to the North by the Sixtieth Parallel of North Latitude, and to the East from the Boundary of the United States Northwards by the Rocky Mountains and the One hundred and twentieth Meridian of West Longitude, and shall include Queen Charlotte's Island and all other Islands adjacent to the said Territories, except Vancouver Island and the Islands adjacent thereto.

Boundaries of British Columbia after Union. 8. After the Union *British Columbia* shall comprise all the Territories and Islands aforesaid and *Vancouver Island* and the Islands adjacent thereto.

Acts in Schedule. repealed.

9. The Acts described in the Schedule to this Act are hereby repealed; but this Repeal shall not invalidate any Order in Council or other Instrument issued under the Authority of those Acts or either of them, or any Act done or Right or Title acquired by virtue of those Acts or of either of them or of any such Order or Instrument.

#### SCHEDULE.

#### Acts repealed.

21 & 22 Vict. c. 99. - - An Act to provide for the Government of British Columbia.

26 & 27 Vict. c. 83. - -

An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony.

#### APPENDIX F

Progress of Bills Brought Into the Council and Legislative Council of Vancouver Island

1851-1866

Progress of Bills Brought Into the Council of Vancouver Island,  $1851-56^{\,\mathrm{a}}$ 

REMARKS	Approved. Not considered expedient. Deferred. Objected to; deferred.	Agreed to.	Ordered paid. Agreed to. Agreed to. Amended to charter and arm "Otter" instead. Agreed to.	Governor authorised to pay. Ordered to be paid. Agreed to. Agreed to.	Agreed to. Agreed to. Agreed to. Agreed to. Agreed to. Agreed to.
DATE	April 28 April 28 April 28 October 6 October 6	March 29 March 29 March 29 April 7 September 23 September 23 December 2 December 2	July 12 July 12 July 12 July 12 August 3	June 21 June 21 June 21 June 21	February 27 February 27 February 27 February 27 June 9 June 9 August 2
NAME	Supplies Made by the HBC for Colonial Purposes Revision to Law Regulating Importation and Sale of Spirits Regulation of Relations between Employer and Servants Five Per Cent Duty on Imports Amendment to Law Regulating Importation and Sale of Spirits, Establishing Wholesale and Retail Liquor Licenses	Qualification and Fees of Justices of the Peace Duty on Ligoral Licenses Duty on Ligoral Licenses Duty and Schools Petty and General Sessions of Justices of the Peace Establishment of Court of Common Pleas Regulations for Cutting Timber on Public Lands Fees for Justices Court Boarding Fees for School Children Establishment of Supreme Court of Civil Justice	Expenses of Colonial School (£36.5.11)  Relief of Robert Barr (£50)  Appripriations for Public Purposes (£1500)  Arming of Men in Colony and Indians for Protection  Act to Prohibit Gift or Sale of Spiritous Liquors to Indians	Charges for the Apprehension and Commitment of Fugitives Accounts for Year Ending 31 October 1854 Raising Military Company of Ten Men for Defense Appropriations for Public Works (£2000).	Regulations Regarding Sale and Registry of Lands Raising Military Company of Thirty Men for Defense Appropriations for Public Works (£1000) Qualifications of Voters and Members of General Assembly Establishment of Electoral Districts An Ordinance Establishing Regulations for the Arrangement of the Affairs of the Victoria Colonial Church

1 Any schedule of legislation introduced in the Council prior to the establishment of the House of Assembly in 1856 must necessarily be, like the minutes themselves, imperfect and incomplete

During this period the Council exercised both executive and legislative functions; and in the absence of supplementary supporting material, it is frequently impossible to determine, an agiven instance, whether the actions of Council should be viewed as the enacting of legislation or the tendering of advice to the governor on executive affairs. The situation is further complicated by the fact that in the same period Governor James Douglas served not only as the representative of the crown but also as agent of the Hudson's Bay company, which held proprietary rights to the colony and was obligated by its charter to provide certain public services as well as to pay the costs of the civil and military establishments. Douglas himself apparently forwarded only three acts to the Colonial Office for formal approval: the establishment of the Supreme Court of Civil Justice, 2 December 1853; the prohibition of gifts or sale of liquor to Indians, 2 August 1854, and the regulations for the Victoria Colonial Church, 2 August 1856. (Vancouver Island Registry of Acts, CO 383/91, p. 1; see also Grey to Douglas, Confidential, 5 April 1855. CO 410/1, pp. 68 ff.). Yet in response to a request from the Assembly for legislation previously passed by the Council, Douglas forwarded copies of ten ordinances that, he said, were "enacted by the Council and appresent in force in this Colony." (Douglas to Speaker and Gentlemen of the House of Assembly, 27 May 1857, Vancouver Island, House of Assembly, Correspondence Inward, 1856-1860, p. 15, PABC.). Unfortunately copies of these ordinances have not survived, and the dates given for them do not always coincide with the actions of Council as indicated in the minutes.

PROGRESS OF BILLS BROUGHT INTO THE COUNCIL OF VANCOUVER ISLAND, 1856-59 (FIRST HOUSE)

REMARKS	Amended and passed, February 14.  Passed, November 15.  Passed, November 15.  Passed, November 15.  Passing deferred, April 8; passed April 14.	Deferred, March 23; ordered to be filed, April 8. Deferred April 8; referred to Crown Solicitor for remodelling, April 11. Replaced by Marriages by Dissenting Ministers. Replaced by Property of Religious Instintions.	Deferred, April 8. House rejected amendments, September 5. Do.	Amended by House, July 18; House amend- ments accepted, July 18. Tabled for revision, July 28. Replaced by Resignation of Seats.	Referred for revision, July 28; reconsidered September 6.	House amendments accepted after conference with House, November 3.
ASSENT			April 20 September 5	July 18	August 23	November 3 October 24 Do.
THIRD	April 8	April 8	April 11 April 14 Do.	July 7	July 18 July 28	September 6 November 3 September 13 September 13 October 26 Do.
COMMITTAL AND REPORT	1 1					
SECOND		March 25	April 14 Do.	July 7 July 28 July 14	Do. July 16 July 21	September 5 September 13 September 13 October 26 October 24
FIRST	February 14 November 15 November 15 March 22	Do. March 23 April 8 Do.	Do. Do. Do.	July 6 July 6 July 6 July 11	Do. July 14 July 18	September 3 September 12 September 12 October 24 Do. December 7
BY WHOM AND WHEN INITIATED	Governor February 14 Governor November 15 House of Assembly November 15 Governor December 1	House of Assembly March 22 House of Assembly March 23 Governor April 8 Do.	House of Assembly April 8 Do. Governor April 11 Do.	House of Assembly July 5 July 5 July 6 July 6 House of Assembly House of Assembly	Governor July 18	Governor September 3 Governor September 12 Governor September 12 House of Assembly October 24 Do. House of Assembly December 7
NAME	Supply (£130)  1858  Inns and Beer Houses  Supply  License Law Amendment  Registration of Deeds	Registration of Voters Enfranchisement of Victoria Regulation of Marriages Bill to Authorize Trustees to Hold Land in Truste	for Religious Purposes Preservation of Game	Extension of Laws Relating to Inns, etc. Licensing Completion of Streets to be Macadamized Wardens of the Hills	Electoral Districts, Representation, etc. Resignations of Seats Admission of Barristers, Attornies and Solicitors in the V.I. Supreme	Court of Civil Justice Franchise Registration of Voters Representation Protection of Wooden Bridges Interest of Money Removal of Remains of Deceased Persons

PROGRESS OF BILLS BROUGHT INTO THE COUNCIL OF VANCOUVER ISLAND, 1860-61 (Second House, First Session)

	ASSENT REMARKS	June 22—Council moved to consider with a ball to incorporate Victoria.  Passed by Honse, Iniv 4.	0	August 28 Passed by House, July 16.  August 27 Passed by House, August 20.	Amended by House, October 15; amend-	August 28 ments discussed, October 19.	Do.	Do. December 19 August 28	Council amendment rejected by House, October 16; conference with House, January	November 24 18; bill tabled in House, January 22.	December 10 House agreed to Council amendments, No-	October 24 Vember 30.	November 2	December 10 House agreed to Council amendments, Oc-	December 19 Do.	Ordered to be read this day six months,	December 19 November 23,	July 16
	THIRD	Tune 20		July 20 /	July 31	August 28	Do.	Do. November 21 Do. August 28	October 10	November 21 No	November 23 De	October 12 C	October 30 N	November 19 De	Do. De		November 21 Do	November 21
	COMMITTAL AND REPORT	June 26. 29		July 12 July 27, 31	July 27			November 19	October 10	October 12, 25	-	October 12			2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8		November 21
	SECOND	June 22	July 10	Do.	July 20	August 27	Do.	Do. November 19 August 28	November 19 September 18	Do.	November 21	October 11	Do. October 25	October 30	Do.	November 2	November 19	November 19
	FIRST READING	May 1 Iune 22	July 3	Do. Do. July 10	July 17	August 14	Do.	Do. Do. August 27	Do. September 12	Do.	Do.	October 10	Do. October 19	October 25	Do.	October 30	Do.	Do. November 13
The second second	BY WHOM AND WHEN INITIATED	House of Assembly May 1 House of Assembly	June 22 House of Assembly	July 3 Do. Do. House of Assembly	July 10 Hon, Chief Justice	House of Assembly	August 14 Do.	Do. Do. House of Assembly August 27	Do. House of Assembly September 12	Do.	Do.	House of Assembly	Do. House of Assembly	House of Assembly	October 23 Do.	House of Assembly	October 30 Do.	Do, House of Assembly
1.0	NAME	1860 Building of Chimnies	Currency	Fireman's Protection. Joint Stock Companies Improvement of Stock	Breeding Foreign Coins	Supply (£9364)	Payment of Certain	Supply (£2207.14.1) Minor Offences Improvement of Streets and Collection of "The	Pilotage Sale of Liquors	Improvement of Roads	Real Estate Tax	Trades Licences	Erection of Lighthouse	Cure of Imperfect Titles	Limitation of Foreign	Registration of Voters	Harbour Dues-Victoria	Loan (£10,000)

19 House amendments accepted by Council, 19 December 12.		19 House amendments accepted by Council, December 12.	December 19 Passed by House, December 13.	6 Amendments accepted by Council, Janu- ary 22.	
December 19 December 19	January 18	December 19	December	February 6	
November 23 December 12 December 3	_	December 5	December 5	January 7	
November 21	December 12, 20	:		January 7	. :
November 21 November 23	December 7	December 4	Do.	December 20	January 4
November 19 November 13	December 3	Do.	Do.	December 20	January 2
Hon. Mr. Fraser November 19 House of Assembly	House of Assembly December 3	Do.	Hon. Mr. Fraser December 3	House of Assembly December 20	House of Assembly January 2
1860 Annual Registration of Voters Victoria Bridge Removal	Land Registry	Victoria Gas Company.	Confirmation of Titles from the Hudson's Bay Com-	Construction of Powder Magazine	1861 Enclosure of Animals

PROGRESS OF BILLS BROUGHT INTO THE COUNCIL OF VANCOUVER ISLAND, 1861-62 (Second House, Second Session)

The Minutes of the Council are not available for this period, 6 February 1861-March 19, 1862.

Progress of Bills Brought Into the Council of Vancouver Island, 1862 (Second House, Third Session)

				(	(10000		
NAME	BY WHOM AND WHEN INITIATED	FIRST READING	SECOND	COMMITTAL AND REPORT	THIRD	ASSENT	REMARKS
1862 Supply (£6875)	House of Assembly	May 16	May 21		May 21		
Supply (£18,576) Temporary Loan (£4,000).	May 16 Do. House of Assembly	Do. May 21	Do. May 28		Do. May 28	May 29	
Loan (£20,000)	House of Assembly	May 28	June 4	June 4	June 11		Conference with House, July 25; withdrawn
Revisor's Confirmation Protection of Deserted Wife's Property	May 20 Do. Do.	Do.:	Do.	June 4	Do.	June 12 July 10	for introduction of new bill.  Passed by House, May 23.  Council amendments accepted by House,
Provisional Appointments	House of Assembly	June 11	June 18	June 30	June 30	July 9	July 8.  Council, amendments accepted by House,
Burnside Road	Do.	Do.	Do.	Do.	Do.	August 5	July 4. Amended by House, July 8; conference with House. July 25: amendments ac-
Victoria Gas Company's	House of Assembly	June 18	June 30		June 30	July 3	cepted by House, August 4.
Incorporation of Victoria	June 18 Do.	June 27	July 8	July 22	July 22		Council amendments accepted by House,
Preservation of Game	Hon. Mr. Alston	June 27	June 30	June 30	June 30	September 5	July 31. House amendments accepted by Council,
Victoria Fire Limit	House of Assembly	July 4	July 4		September 3 July 8	9 July	September 3.
Provisional Sanatory	House of Assembly	July 11	July 18		July 18	July 19	
Victoria and Esquimalt	House of Assembly	August 8	August 12		August 15	September 2	Conference with House, August 15; amend-
Road and Harbour Loan (£40,000)	House of Assembly August 19	August 19	September 3		September 5	September 6	Conference with House, August 26. Council amendments accepted by House, August August
Temporary Debenture	Do.	Do.	Do.		Do.	Do.	29. Do.
Stamp Act	House of Assembly	August 29	September 3	September 23, 25	October 15	December 12	House amendments accepted, December 11.
Erection of Powder Magazine	Do,	Do.	Do.	September 16, 19, 23	September 19 December 8	December 12	Conference with House, December 8; House amendments accepted by Council, De-
Harbour Regulation Act	Hon. Mr. Alston September 16	September 16	September 19		September 23	February 16	cember 8. House amendments accepted, February 13.
Prohibition of Sunday Trading	Hon. Mr. Watson October 3	October 10	October 15				
Currency	Hon. Mr. Watson	October 15			October 22	December 12	
Real Estate Tax Act	House of Assembly	October 22	December 3	December 5, 8,	December 11	December 17	Council amendments accepted by House,
Victoria Representation	Do.	Do.	November 21	7.7	December 3	December 12	Council 12. Council 12. December 6
Repeal and Amendment of Laws Affecting Trades	House of Assembly November 21	November 21	December 3	December 8, 11	December 11	December 17	Council amendments accepted by House, December 12.
Establishment of a Decimal System of Accounts	House of Assembly December 11						

PROGRESS OF BILLS BROUGHT INTO THE COUNCIL OF VANCOUVER ISLAND, 1863 (Second House, Fourth Session)

NT	House amendments accepted by Council, February 23. Do. Amended on second reading; rejected by House, February 23.	y 16	Council amendments accepted by House, February 25.	Conference with House, February 26; House accepted Council amendments, February 26.
ASSENT	February 25 Do.	February 16	February 27  Do. Do. Do. Do. February 27	Do.
THIRD	February 11 Do.	February 13	February 24 Do. Do. Do. Do.	Do.
COMMITTAL AND REPORT	February 9 February 9		February 24	February 24
SECOND	February 2 Do.	Do. February 13	February 24 Do. Do. Do. Do. Do. February 24	Do.
FIRST READING	January 22 Do. Do.	February 9 February 11 February 11	February 23 Do. Do. Do. Do.	February 24
BY WHOM AND WHEN INITIATED	House of Assembly January 2 Do. House of Assembly January 22	House of Assembly February 9 House of Assembly February 11 House of Assembly	House of Assembly February 13 February 23 Do. Do. House of Assembly	February 23 House of Assembly February 24
NAME	Railway Clauses Consolidation Land Clauses Constitution of Sunday Prohibition of Sunday Trading	Repeal of Laws Affecting Roads Alien Act Amendment Harbour Regulation	Justice Stamp Act. Supply (\$25,705) Supply (\$247,225) Supply (\$24,122,33)	Victoria Incorporation Debenture

PROGRESS OF BILLS BROUGHT INTO THE LEGISLATIVE COUNCIL OF VANCOUVER ISLAND, 1863-64 (THIRD HOUSE, FIRST SESSION)

			OII GWIII )	( time troost, time session)	SSICIA		
NAME	BY WHOM AND WHEN INITIATED	FIRST	SECOND	COMMITTAL AND REPORT	THIRD	ASSENT	REMARKS
1863 Election of Mayor and Councillors Legal Profession	House of Assembly October 21 House of Assembly November 17	October 21 November 17	October 21 November 30	October 21 27 December 10 March 24	October 27 April 6	October 30	Council amendments accepted by House, October 30. Assent withheld, July 7.
Repeal of Stamp Act Restraint of 'Writs of Capias' and 'In Exeat Report'	Do. House of Assembly November 30	November 30	March 9	April 6 March 9	March 9	July 7	Second reading postponed six months, December 10.
Enfranchisement of Cow-	Do.	Do,	December 10		December 16		Assent refused, July 7.
Victoria Pilot Act	Do.	Do.	Do.	January 12	January 29	March 12	House amendments accepted, February 24.
Bridges Protection Act	Acting Surveyor-General	December 10	December 16	20, 22, 20, 23	December 17	July 7	
Amendment of Act to Re-	Do.	Do.	February 17				
Koads Kepair Act Firemen's Act	House of Assembly December 10	Do.	Do.	March 30 April 11	June 10	July 7	
Administration of Oaths	House of Assembly	Do.		June /, 9			Postponed six months, February 17.
Bill of Sale Act Amend-	December 10 House of Assembly	December 17			,		Do.
ment Mayor and Council of Vic- toria Indemnity Act	December 17 House of Assembly December 22	December 22	December 22		December 22	December 28	
1864 Relief of John Copland	January 12	January 12	2 d d d d d d d d d d d d d d d d d d d				Second reading postponed six months, Janu-
Incorporation of Chamber	January 12	Do.					uary 29.
of Commerce Bank Note Act	February 17	February 17	February 24	March 24	April 6	July 7	
Supply (\$257,279.50)	House of Assembly	March 9	March 10		March 10	March 12	
Chief Justice's Pension Governor's Indemnity Land Registry Act Amend-	Do. Do. Do. Chief Justice	Do.	Do. Do. April 6	-	Do. Do.	March 11 Do.	
ment Declaration of Title Banking Act	March 9 Do. House of Assembly	Do.	Do. March 10	May 9, 11	May 20	July 7	
First Telegraph Act	Maich 7		March 12	March 12	March 12	March 12	
Supply (\$26,000) Telegraph Regulation	House of Assembly March 24 Do,	March 24	March 30 Do.	April 11 June 10, 15	April 6 June 15	July 7 Do.	

Second reading postponed six months, May 11.	Conference with House, June 14; amend-ments agreed to, June 16.		Referred to Select Committee, June 14.	Conference with House, June 14; amend-	Referred to Select Committee, June 14.
	Do	June 8	July 7	Do.	Do.
May 23	May 30 June 7	June 1	June 16	Do.	Do.
	May 27 May 27, 30 June 1	May 30	:	:	
	Do. May 30	Do.	:	June 10	Do.
May 6 May 20	Do. May 23	Do.	June 10	June 7	June 9
House of Assembly May 6 House of Assembly	May 20 Do. House of Assembly May 23	Do.	House of Assembly	Do.	Do.
	(\$19,804.28) Enclosure of Wells Victoria Half Per Cent Tax	Governor's Victoria City	Harewood Railway	Supplemental Supply	Congregation of Emanuel of Victoria Incorporation

PROGRESS OF BILLS BROUGHT INTO THE LEGISLATIVE COUNCIL OF VANCOUVER ISLAND, 1864-65 (THIRD HOUSE, SECOND SESSION)

REMARKS	Conference with House, November 7, 15; House accepted Council amendments, November 25, Passed by House, May 1; amendments accepted by Council, May 12.  Assent reserved, December 5.	Second reading postponed six months, January 5.  Amended by House, March 8.  Rejected by Council, May 17.  Referred to Select Committee, March 17; conference with House, June 7.  Referred to Select Committee, February 21;	Postponed, March 1.  Referred to Select Committee, February 21; House amendments accepted by Council, May 12.  Amended by House, May 29; conference with House, June 7.  Withdrawn, February 3.	Lapsed in House.  Lapsed.  Select Committee appointed, May 22; conference with House, June 16.  Amended by House, May 22.	Lapsed in House.
ASSENT	June 9		June 16 May 15		March 30
THIRD	October 31 January 17 November 2 October 31	February 15 May 18	February 3 March 17 March 17	March 14  May 29  April 18	April 7 March 28
COMMITTAL AND REPORT	October 21, 26, 28  November 2, 25, January 5, 9 October 31  Do.	January 17, 23 February 3 May 17	January 31  March 11, 13, 15	March 1, 2, 6, 8, 13 February 24, 27 March 1, 2 May 22 April 7, 10, 18	April 7 March 24, 28
SECOND	October 11 October 28 Do.	January 9	January 31 March 17 February 21	March 1 February 24 May 17 April 7	April 7 March 24
FIRST	October 5 October 21 October 28	November 30 Do. January 9 Do.	January 23 February 15 Do, January 31	February 15 February 21 March 13 March 24	March 24 March 24
BY WHOM AND WHEN INITIATED	House of Assembly October 5 Chief Justice October 11 House of Assembly October 21 House of Assembly October 28	House of Assembly November 30 Do. House of Assembly January 5 Do. House of Assembly	Acting Attorney General January 23 House of Assembly January 23 Do. Acting Attorney General	January 31 Acting Attorney General February 15 Acting Colonial Secretary February 21 House of Assembly March 13 Acting Attorney General	March 24 Acting Colonial Secretary March 24 House of Assembly March 24
NAME	Legal Profession  Declaration of Title  Chief Justice's Salary  Provisional Act for Election of Mayor and Countion of Countion of Mayor and Countion of Mayor and Counting Cou	cillors Office of Coroner Land Registry Amendment Act 1865 Inferior Court Jurisdiction. Practise of Medicine	First Telegraph Act Amendment Common School Act Mercantile Law Amend- Establishment of Postal	Service Victoria Incorporation Amendment Jurisdiction of Justices of the Peace Gold Mining	Law of Evidence Amend- ment Supply (\$298,618.25)

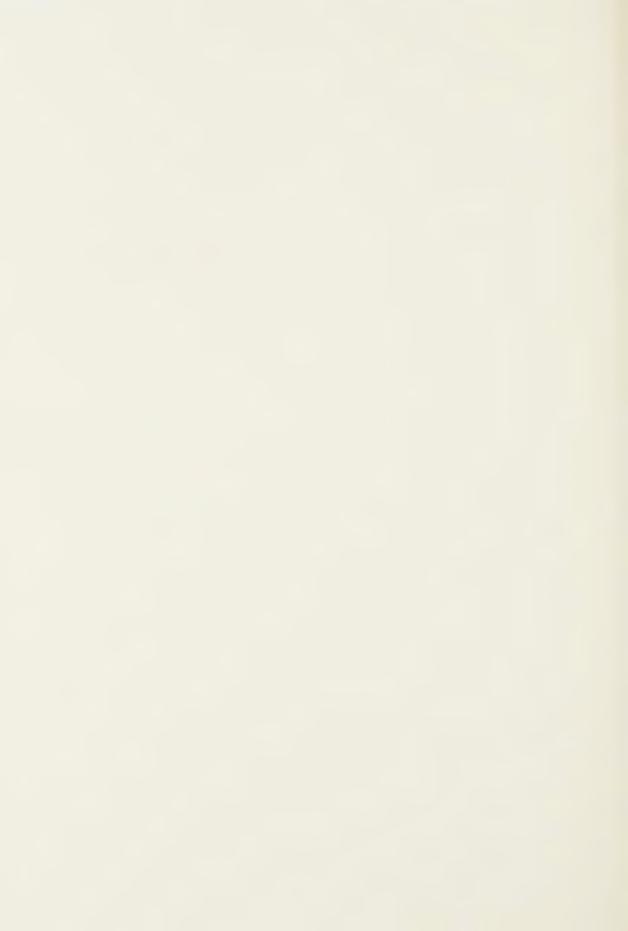
		Second reading postponed six months. May	29.	Second reading postponed six month, June	Lapsed.	Amended by House, June 12; amendments	accepted by Council, June 14. Amendment accepted by House, June 12.	Lapsed.	Amendment accepted by House, June 12.	Lapsed.	Lapsed.			Lapsed.		Council amendments rejected by House,	Passed by House, June 30.	Lapsed,
		June 16				June 16	June 16		June 16			June 21	Do.		June 24	June 28	July 4	
	June 26	May 29	June 27			June 8, 14	June 8		June 8			June 19	June 16		June 21	June 23	June 27	
	June 13, 16, 21,	May 26	June 14, 19, 22,	1	June 27	June 1, 2, 8	June 2, 7		June 7			June 19			June 21	June 23		
May 29	May 26	Do.	May 29		May 29	June 2/ May 29	June 1		June 7		4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	June 19	June 16		June 21	June 23	June 26	:
May 2	Do.	Do.	Do.	May 17	May 18	May 26	May 29	Do.	June 1	Do.		June 16	Do.	June 21	Do.	June 22	June 26	July 3
House of Assembly	Do.	D. 0.	Do.	House of Assembly	House of Assembly	May 18 House of Assembly	House of Assembly	May 29 Do.	House of Assembly	Do.	Do.	House of Assembly	June 10 Do	House of Assembly	June 21 Do	House of Assembly	Acting Attorney General	House of Assembly July 3
1865 Homestead Sale Exemption	Registration of Births,	Jury Act Securing of Liens to	Mechanics Weights and Measures	Descent of Property	Imprisonment for Debt	Trades Licence Amend-	Harbour Dues Amendment	Appointment of Public	Administrator Stock and Carcass Act	Representation Law	Amendment First Telegraph Act	Supplemental Supply	Supplemental Supply	Victoria Pilot Amendment	Victoria City Half Per	Salaries Tax Act	the Chief	Marriage Licence Fees

Progress of Bills Brought Into the Legislative Council of Vancouver Island, 1865–66 (Third House, Third Session)

REMARKS		Amended by House, March 12; Council amendments (March 21) rejected by	House, March 28; conference held May 11; amendments accepted May 26. House amendments accepted by Council, August 17.	Rejected on third reading, February 2.			Connect recoding	VIC	Second reading postboned six months.	ts tabled, June		Second reading postponed six months, June 21. Do.		Lapsed in House.	Second reading postponed six months,	Do.	Do.
ASSENT		June 8	August 21				August 21	July 12			February 15		# # # # # # # # # # # # # # # # # # #				
THIRD		February 1	June 18 August 16		February 8		June 18	June 7		May 9	February 5		February 20	February 16			
COMMITTAL AND REPORT	December 8	February 8 December 13, 15	January 18, 19, 31 February 5, 12 May 18, 26	January 23, 26	January 23, 26,	February 1, 2, 8	February 8, 12 June 7, 15	March 14	June 7	March 21, 23, 27, 28, 29	February 1		February 15, 16,	February 15			
SECOND	December 6	December 13	January 18	Do.	Do.			February 23		March 14	January 26		February 13	Do,			
FIRST	November 29	December 8	December 13	Do.	Do. December 15		January 18	Do.	January 18	Do.	Do. January 23	February 12 Do.	Do.	Do.	March 27	Do.	February 12
BY WHOM AND WHEN INITIATED	Attorney General	Attorney General December 8	House of Assembly December 13	Do.	Do. Attorney General December 15		House of Assembly January 12	House of Assembly	January 18 House of Assembly	January 18 Do.	Do. House of Assembly January 23	House of Assembly February 12 Do.	Attorney General February 12	Do.	House of Assembly March 27	Do.	House of Assembly March 27
NAME	1865 Imprisonment for Debt	District Court Act	Homestead Act	Bills of Sale Act Amend-	Inferior Court Jurisdiction Establishment of Postal Service	1866	Debtors Relief	Partnership Act	Descent of Property	Franchise Act Amendment.	Representation Extension Harewood Railway Company Extension	Securing of Liens to	Mechanics Indian Liquor Act Amendment	Native Evidence Amend-	Temporary Loan	Road and Public Works	Real Estate Tax Repeal

PROGRESS OF BILES BROUGHT INTO THE LEGISLATIVE COUNCIL OF VANCOUVER ISLAND, 1865-66 (THIRD HOUSE, THIRD SESSION)—Continued

Second reading postponed six months, May 7. Do.	House amendments accepted, May 28. Second reading postponed six months,	Referred to Select Committee, April 17; second reading postponed six months, May 78	Rejected by House because a money bill,	Postponed sine die, May 29.	Do.	Amendments rejected by House, August 29.				Second reading postponed six months,	1,12,0 %.0.	. Referred to Select Committee, June 18.	House amendments accepted, August 17		17   House amendments accepted, August 31.	17	House amendments referred back to House, August 30.		17 Passed by House, August 31.
	June 8		:									:	August 21	July 12	September 17	September 17			September 17
	May 17, 28		April 13			August 28	August 28	April 19					June 26	July 11	August 30	August 28	Do.	August 30	Do.
:	May 9, 14	:	April 5, 11		:	May 28, June 18, July 3, 10, 24	August 28	April 19				_	June 25		August 29	August 22, 27	Do.	August 30	Do.
	May 7		April 4	April 10	Do.	May 28	June 25	April 18	July 3				June 21	July 10	August 28	August 22	Do.	August 29	Do.
February 12 Do. Do.	Do. Do.	March 29	Do.	April 5	Do.	April 10	April 13	April 17	May 14	Do.	June 11	Do.	Do.	July 10	August 14	August 17	Do.	August 28	Do.
House of Assembly March 27 Do. Do.	Do.	House of Assembly March 29	Colonial Secretary	Attorney General	April 3 Do.	House of Assembly April 10	House of Assembly	House of Assembly	April 1/ House of Assembly	May 14 Do.	House of Assembly	June 11 Do.	Attorney General	House of Assembly	House of Assembly	House of Assembly	August 1/ Do.	Attorney General	Do.
1866 Trade Licence Amendment Act Salaries Tax Repeal Stock and Carcass Amend-	ment Act Liquor Licence Harbour Dues Amendment	Act Incorporation of Nanaimo	Establishment of Volunteer	Regulation of Weights and	Measures Registration of Births,	Deaths and Marriages Victoria Incorporation Act Amendment	Protection of Inventions	Amendment of Real Estate	Lax Act Amendment Act Establishment of Invest-	ment Societies Sanitary Commission Act	Indian Liquor Act Amend-	Spring Ridge Water Com-	pany Act Coroner's Jury Act	Temporary Loan (\$90,000)	Harbour Dues Act Amend-	District Road Amendment	Act Supply (\$248,963.32)	Regulation of Law of Tres-	Bills of Sale Amendment



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